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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
DIAMOND HANDS CONSULTING LTD., : No. 21 CV 11223 (AJN)  
:  
Plaintiff,  
:  
v.  
:  
KYLE R. BONGERS (a/k/a “BTCVIX” AND  
“DARTHVIX”); HURLEY BLAKE STARLING  
(a/k/a “DR. CRYPTO VENDOR”); NOAH  
KAZLOW (a/k/a “NIKOLAI WHITE” AND  
“NIKO”); AND JOHN DOE 1;  
:  
Defendants.  
:  
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**FIRST AMENDED VERIFIED  
COMPLAINT**

**JURY TRIAL DEMANDED**

Plaintiff Diamond Hands Consulting Ltd. (“Plaintiff”), by and through its attorneys, Debevoise & Plimpton LLP, brings this action against defendants Kyle R. Bongers (on information and belief a/k/a “BTCVIX” and “DarthVIX”); Hurley Blake Starling (on information and belief a/k/a “Dr. Crypto Vendor”); Noah Kazlow (a/k/a “Nikolai White” and “Niko”); and John Doe 1 (collectively, “Defendants”), and in support thereof alleges as follows:

**INTRODUCTION**

1. Plaintiff Diamond Hands Consulting Ltd. (together with its predecessors in interest, “DHC”) operates the original, authentic SATOSHISTREETBETS online communities where individuals from around the world gather to discuss cryptocurrencies. DHC was the first

to use the SATOSHISTREETBETS mark, opening its first communities on February 23, 2020, and continuing to grow and expand its business since that time. DHC owns the only known registrations for SATOSHISTREETBETS, in the United Kingdom and European Union, and is pursuing registration of the mark in the United States, Australia, Canada, and Russia.

2. Today, the SATOSHISTREETBETS mark is used by DHC on a variety of platforms, including its SatoshiStreetBets.com website<sup>1</sup> as well as on forums operated by DHC on Reddit,<sup>2</sup> Telegram,<sup>3</sup> Discord,<sup>4</sup> Twitter,<sup>5</sup> and YouTube<sup>6</sup> (collectively, the “SSB Forums”).

3. In addition to growing the SATOSHISTREETBETS branded community, DHC has and is expanding its SATOSHISTREETBETS offerings to include related products, such as SatoshiSwap – the official cryptocurrency of SATOSHISTREETBETS<sup>7</sup> – and a SATOSHISTREETBETS marketplace for the sale of non-fungible tokens (“NFTs”).

4. DHC’s hard-earned success has been threatened by Defendants’ unlawful appropriation of the *exact, identical* SATOSHISTREETBETS trademark in connection with their own competing, unauthorized cryptocurrency services, including the same kinds of online communities and cryptocurrency products that DHC has offered or announced plans to offer. Defendants – who were aware of the authentic SATOSHISTREETBETS mark before launching their infringing services – have sowed consumer confusion, causing actual harm to individuals

<sup>1</sup> See SatoshiStreetBets, <http://www.satoshistreetbets.com> (last visited Feb. 8, 2022).

<sup>2</sup> See SatoshiStreetBets, Reddit, <https://reddit.com/r/SatoshiStreetBets> (last visited Feb. 8, 2022).

<sup>3</sup> See @SatoshiStreetBetsOriginal, Telegram, <https://t.me/SatoshiStreetBetsOriginal> (last visited Feb. 8, 2022); @SatoshiStreetBetsSerious, Telegram, <https://t.me/SatoshiStreetbetsSerious> (last visited Feb. 8, 2022); @SSBannouncements, Telegram, <https://t.me/SSBannouncements> (last visited Feb. 8, 2022); @SSBseriousannouncements, Telegram, <https://t.me/SSBseriousAnnouncements> (last visited Feb. 8, 2022).

<sup>4</sup> See SatoshiStreetBets, Discord, <https://discord.com/invite/SatoshiStreetBets> (last visited Feb. 8, 2022).

<sup>5</sup> See @SatoshiStBets, Twitter, <https://twitter.com/SatoshiStBets> (last visited Feb. 8, 2022).

<sup>6</sup> See SatoshiStreetBets, YouTube, <https://www.youtube.com/c/SatoshiStreetBets> (last visited Feb. 8, 2022).

<sup>7</sup> SatoshiStreetBets, *supra* note 1 (advertising SATOSHISTREETBETS’ official cryptocurrency SatoshiSwap).

duped into buying their unauthorized cryptocurrency with the mistaken belief that it was authorized by the real SATOSHISTREETBETS.

5. Defendants have recently expanded their business to offer, all without authorization, a crypto token and related promotional website,<sup>8</sup> NFTs,<sup>9</sup> a merchandise store,<sup>10</sup> and a podcast<sup>11</sup> under the SATOSHISTREETBETS trademark. In addition, Defendants Bongers and Starling also have publicly discussed plans to offer a SATOSHISTREETBETS Crypto Satellite Radio Show and a “Shark Tank-inspired Satoshi Tank” program.<sup>12</sup>

6. Defendants’ wholesale copying and recently expanded unauthorized uses of the SATOSHISTREETBETS trademark are likely to and already have caused consumer confusion in violation of DHC’s trademark rights. Although DHC sought to avoid the need to file this Complaint by requesting that Defendants Bongers, Starling, and Kazlow voluntarily cease and desist from their infringing conduct, they have not done so. DHC accordingly seeks injunctive relief prohibiting Defendants from continuing to market or sell infringing goods and services under the SATOSHISTREETBETS trademark and requiring Defendants to turn over control of any and all domain names and social media accounts that have infringed DHC’s trademarks, as

<sup>8</sup> See *An Accelerated Hyper Deflationary Token*, Satoshi St. Bets, ssbtoken.com (last visited Feb. 8, 2022); *Satoshi Street Bets White Paper*, Satoshi St. Bets, ssbtoken.com/wp-content/uploads/2021/10/SSB-Token-WhitePaper-Final-V4.pdf (last visited Feb. 8, 2022).

<sup>9</sup> See *SatoshiStreetBets*, NFTb, <https://web.archive.org/web/20211206191214/https://nftb.io/user/0x418229bf2ae1c2e9b09b9903d12a9bccbf08438/> (last visited Feb. 8, 2022) (preserving webpage from December 6, 2021); SSB NFT MIAMI BIDDING ROOM, Telegram, <https://t.me/+5YpEieJvRz5mOTVj> (last visited Feb. 8, 2022).

<sup>10</sup> See *SSB Store*, <https://ssb.slapattack.com/> (last visited Feb. 8, 2022).

<sup>11</sup> See Satoshi Street Productions (@BetsPodcast), Twitter, <https://twitter.com/betspodcast> (last visited Feb. 8, 2022).

<sup>12</sup> Satoshi St. Bets, *supra* note 8; see also *SatoshiStreetBets Apes into DeFi with the #1 Trending Token: A Hyper-Deflationary Moonshot Paying Massive Profits*, Bitcoinist (Nov. 1, 2021), <https://bitcoinist.com/satoshistreetbets-apes-into-defi-with-the-1-trending-token-a-hyper-deflationary-moonshot-paying-massive-profits/> (sponsored article reporting that Defendants are launching \$SSB on two new exchanges and that Defendants have established and/or plan to establish Satoshi Stake, The Streets marketplace, a SATOSHISTREETBETS satellite radio show and a Shark-Tank inspired “Satoshi Tank”).

well as an award of damages, disgorgement of Defendants' ill-gotten profits, and attorneys' fees and costs.

### **THE PARTIES**

7. Plaintiff Diamond Hands Consulting Ltd. is a British Virgin Islands Limited Liability Company with registered corporate address of Intershore Chambers, P.O. Box 4342, Road Town, Tortola, British Virgin Islands VG1110.

8. Defendant Bongers is an individual who, on information and belief, resides or has resided at 511 Utica Ave. S., Apt. 612, St. Louis Park, Minnesota 55416. Defendant Bongers has filed an application for a trademark identical to DHC's SATOSHISTREETBETS mark – Serial No. 97/221,246 (SATOSHISTREETBETS, in Classes 35 and 36) (the "Bongers Application"). Bongers operates certain social media accounts with the usernames "BTCVIX" and "DarthVIX," and on information and belief, is the co-operator and/or administrator of the Telegram groups @SatoshiStreetBets, @SatoshiStreetbetsAnnouncements and @SSBTOKENOfficial, as well as the Gettr account @SatoshiStBets and the currently suspended Twitter account @SatoshiStrBets. DHC's investigation of Defendants' infringing conduct has identified significant evidence linking Defendant Bongers to each of these social media accounts, and DHC expects to uncover additional such evidence in discovery. For example, the @SSBTOKENOfficial Telegram account made statements about receiving the cease-and-desist letter that DHC sent to Defendant Bongers, and the speaker identified himself as "BTCVIX."<sup>13</sup> On information and belief, Defendant Bongers has offered the infringing "SatoshiStreetBets" cryptocurrency ("SSB") on publicly accessible cryptocurrency exchanges, including PancakeSwap and Bitmart, and has sold infringing SATOSHISTREETBETS NFTs.

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<sup>13</sup> @SSBTOKENOfficial, Telegram (Nov. 24, 2021, 2:23 AM), <https://t.me/SSBTOKENOfficial/394923>.

9. Defendant Starling is an individual residing, on information and belief, at 6981 Hanesbrook Cir., Apt. 204, Clemmons, NC 27012-7530. On information and belief, Starling is the owner of the @drcryptovendor Twitter account and the @DrCryptoVendor Telegram user account; the owner and operator of the @DrCryptoVendorsLaboratory Telegram group; and the co-operator and/or administrator of the @SatoshiStreetBets, @SatoshiStreetbetsAnnouncements, and @SSBTOKENOfficial Telegram groups, as well as the Gettr account @SatoshiStBets and the currently suspended @SatoshiStrBets Twitter account – all of which have been used to advertise, promote, or otherwise market infringing SATOSHISTREETBETS products and services.

DHC’s investigation of Defendants’ infringing conduct has identified significant evidence linking Defendant Starling to each of these social media accounts, and DHC expects to uncover additional such evidence in discovery. On information and belief, Defendant Starling has offered the infringing \$SSB cryptocurrency on publicly accessible cryptocurrency exchanges, including PancakeSwap and Bitmart, and has sold infringing SATOSHISTREETBETS NFTs.<sup>14</sup>

10. Defendant Kazlow is an individual residing, on information and belief, at 730 Bunker Road North, Woodmere, NY 11581. Defendant Kazlow has filed applications for two trademarks substantially incorporating DHC’s SATOSHISTREETBETS mark – Serial No. 90/800,439 (SATOSHI STREET BETS 22-51, in Class 41) and Serial No. 97/005,514 (22-51 SATOSHI ST BETS, in Classes 16, 35 and 42) (together, the “Kazlow Applications”).

Defendant Kazlow is the owner and operator of the infringing “Satoshi Street Bets Podcast” YouTube page<sup>15</sup> and, on information and belief, the associated @BetsPodcast Twitter account.

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<sup>14</sup> SatoshiStreetBets (@SatoshiStreetBets), Twitter (Nov. 29, 2021 3:49 AM), <https://web.archive.org/web/20211201000417/https://twitter.com/SatoshiStrBets/status/146524149741088768> (preserving tweet from suspended account).

<sup>15</sup> Satoshi Street Bets, YouTube, <https://www.youtube.com/c/SatoshiStreetBetsLIVE/featured> (last visited Feb. 9, 2022).

On information and belief, he also owns and operates the Telegram accounts @satoshibusinessassociation<sup>16</sup> and @NikolaiWhite.<sup>17</sup> Defendant Kazlow has participated in the operation or administration of all or some of Defendants' infringing Telegram groups and channels (*e.g.*, @SatoshiStreetBets, @SatoshiStreetbetsAnnouncements) – all of which have been used to advertise, promote, or otherwise market infringing SATOSHISTREETBETS products and services. He worked directly with Defendant Bongers to set up one or more of these accounts and functioned as the Defendants' "head of business development."<sup>18</sup> DHC's investigation of Defendants' infringing conduct has identified significant evidence linking Defendant Kazlow to infringing social media accounts, and DHC expects to uncover additional such evidence in discovery.

11. Defendant John Doe 1 is an unknown person using the social media handle "RB" who, on information and belief, is involved in the operation of one or more of Defendants' infringing social media accounts (*e.g.*, @SSBTOKENOfficial), in coordination with Defendants Starling and Bongers. On information and belief, Defendant John Doe 1 has offered and/or promoted infringing \$SSB cryptocurrency on publicly accessible cryptocurrency exchanges, including PancakeSwap and Bitmart. DHC has conducted a reasonable search to determine the actual identity of Defendant John Doe 1, but this Defendant's identity remains unknown to DHC. The John Doe designation is a fictitious placeholder pending discovery.

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<sup>16</sup> @satoshibusinessassociation, Telegram, <https://t.me/satoshibusinessassociation> (last visited Feb. 9, 2022).

<sup>17</sup> @NikolaiWhite, Telegram, <https://t.me/nikolaiwhite> (last visited Feb. 9, 2022).

<sup>18</sup> See @satoshibusinessassociation, Telegram (Jan. 20, 2022, 3:47 PM), <https://t.me/SatoshiBusinessAssociation/19703> (identifying himself as the former "head of business development for [the infringing] satoshistreetbets").

## JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction over Plaintiff's claims under the Lanham Act, pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338. In addition, this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a)(2) because Plaintiff is the citizen of a foreign State; on information and belief, Defendants are citizens of U.S. States; and the amount in controversy exceeds \$75,000.

13. This Court has supplemental jurisdiction over Plaintiff's claims under the common law of the State of New York pursuant to 28 U.S.C. § 1367(a).

14. This Court has personal jurisdiction over Defendant Kazlow because, on information and belief, Defendant Kazlow is a resident of the State of New York. Furthermore, the Court has personal jurisdiction over Defendant Bongers because, on information and belief, he has transacted business in the state of New York by virtue of his collaboration with Defendant Kazlow. In addition, the Court has personal jurisdiction over Defendants Bongers, Starling, and John Doe 1 because they have transacted business in the State of New York via operation of (1) their infringing platforms on various Internet forums, which are available to and, on information and belief, used by individuals residing in the State of New York;<sup>19</sup> (2) their publicly accessible, interactive website SSBtoken.com – which targets New York residents through its display of a video of the New York City skyline and graphics evoking city landmarks<sup>20</sup> – and has been used to offer infringing \$SSB cryptocurrency to individuals residing in the State of New York;<sup>21</sup> and

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<sup>19</sup> @cryptokcin, Telegram (Sept. 21, 2021 at 20:05), <https://t.me/satoshistreetbets/1853400> (posting “WTB usdt in person nyc” in Defendants’ @SatoshiStreetBets Telegram group); @andyL409, Telegram (July 6, 2021 at 00:06), <https://t.me/satoshistreetbets/1176967> (posting “I’m nyc I can’t buy bsc coins How can I get access to bsc coins ?” in Defendants’ @SatoshiStreetBets Telegram group).

<sup>20</sup> See Satoshi St. Bets, *supra* note 8 (featuring a video of the New York City skyline and graphics evoking city landmarks).

<sup>21</sup> The Defendants’ website allows visitors to “stake” their infringing tokens, *Farms & Staking*, Satoshi St. Bets, <https://stake.ssbtoken.com/> (last visited Feb. 10, 2022), as well as “swap” them for other cryptocurrencies,

(3) their publicly accessible internet store, <https://ssb.slapattack.com/>, which is available to and, on information and belief, used by individuals residing in the State of New York. For example, one user, who identified herself as a New York resident, posted on Defendants' infringing @SSBTOKENOfficial forum that she purchased Defendants' infringing token, "the first time [she] saw the SSB ad on Poocoin."<sup>22</sup> Defendants have created confusion, mistake, and/or deception within the State of New York in soliciting this business, causing DHC to sustain damages.

15. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(3) because Plaintiff is not currently aware of any district in which this action may be brought pursuant to either 28 U.S.C. § 1391(b)(1) or (2), and Defendants are subject to personal jurisdiction in this District.

## **FACTUAL BACKGROUND**

### **DHC'S AUTHENTIC SSB FORUMS**

16. DHC's SSB Forums are home to a thriving community of individuals who use the SSB Forums to discuss cryptocurrencies, learn about trading, and exchange the latest news. For individuals looking to participate in such conversations, the SATOSHISTREETBETS name is synonymous with the forums developed and offered by DHC.

17. The official SATOSHISTREETBETS subreddit (<https://reddit.com/r/SatoshiStreetBets>), which DHC created on February 23, 2020, quickly

*Swap*, Satoshi St. Bets, <https://dex.ssbtoken.com/#/swap> (last visited Feb. 10, 2022). Defendants' website further links to Flooz.trade, a third-party website that enables visitors to trade in the infringing \$SSB cryptocurrency. *See* Satoshi St. Bets, *supra* note 8.

<sup>22</sup> One New York resident has posted on Defendants' infringing @SSBTOKENOfficial forum about purchasing Defendants' token. *Compare* @stellarmc, Telegram (Nov. 8, 2021 at 01:11), <https://t.me/SSBTOKENOfficial/307461> (posting "You can use binance.us (not .com) in most US states... but not in NY where I live 😊" in Defendants' @SSBTOKENOfficial Telegram group), *with* @stellarmc, Telegram (Nov. 8, 2021 at 01:06), <https://t.me/SSBTOKENOfficial/307425> (posting "I am not sure how early I bought. I bought the first time I saw the SSB ad on Poocoin." in Defendants' @SSBTOKENOfficial Telegram group).

developed a dedicated following. By the end of its first day, 1,500 users had joined. Less than two years later, DHC moderates an active and passionate community of approximately 514,000 members on Reddit under the SATOSHISTREETBETS trademark.

18. The official SATOSHISTREETBETS Twitter account @SatoshiStBets (<https://twitter.com/SatoshiStBets>), which DHC also created on February 23, 2020, has a similarly dedicated following. As of February 8, 2022, the account had approximately 78,300 followers, and, as example, between January 13, 2022 and February 10, 2022, the account's tweets received 5,090,000 "impressions" and its profile was viewed 516,000 times.

19. The authentic SATOSHISTREETBETS community is also active on Telegram, where DHC operates the forums @SatoshiStreetBetsOriginal (<https://t.me/SatoshiStreetBetsOriginal>) and @SatoshiStreetBetsSerious (<https://t.me/SatoshiStreetBetsSerious>). As of February 8, 2022, together, these groups had approximately 120,043 members. Users have posted over 3.4 million messages in the @SatoshiStreetBetsOriginal group alone since its creation (originally as @SSBtalk) in February 2021. DHC also had approximately 28,796 subscribers, as of February 8, 2022, to its other authentic SATOSHISTREETBETS Telegram channels, @SSBannouncements (<https://t.me/SSBannouncements>), @SatoshiSwapAnnouncements (<https://t.me/SatoshiSwapAnnouncements>), and @SatoshiStreetDegens (<https://t.me/SatoshiStreetDegens>), which DHC uses to communicate updates to community members.

20. DHC also operates the authentic SATOSHISTREETBETS Discord channel (<https://discord.gg/SatoshiStreetBets>). As of February 8, 2022, this channel had approximately

39,100 members. On average, 18,000 messages are sent in the authentic SATOSHISTREETBETS Discord channel operated by DHC each month.

21. DHC also operates the authentic SATOSHISTREETBETS community on YouTube (<https://www.youtube.com/c/SatoshiStreetBets/featured>), where DHC posts Ask Me Anything (“AMA”) videos with others involved in the cryptocurrency world.

22. DHC has used the SATOSHISTREETBETS mark consistently across these communities, which it built through thousands of dollars of paid advertising using the SATOSHISTREETBETS mark on Reddit and 4chan; unpaid advertising like the “Moonshot Monday” program that incentivizes individuals to join the authentic SATOSHISTREETBETS Telegram group, and through word of mouth among Reddit users.

23. The SATOSHISTREETBETS subreddit experienced substantial growth in January and February 2021, gaining approximately 363,955 members between January 1, 2021 and March 31, 2021, when the community began discussing “Dogecoin,” a cryptocurrency whose price movements during these months has been widely attributed, including in the press, to the authentic SATOSHISTREETBETS communities operated by DHC.

24. The SATOSHISTREETBETS Discord channel was launched on January 29, 2021. It gained over 30,000 members in its first week.

25. The rise of Dogecoin prompted widespread reporting in major media outlets about DHC’s authentic SATOSHISTREETBETS communities, which led to even more widespread recognition of the brand and many new individuals making use of DHC’s services. For example, on January 28, 2021, *CNBC* published an article about the authentic SATOSHISTREETBETS subreddit, noting, “Doge’s resurgence in the last few days has been due to enthusiasm from a

Reddit group called SatoshiStreetBets.”<sup>23</sup> On February 6, 2021, *Markets Insider* reported, “A subreddit called SatoshiStreetBets . . . helped [Dogecoin] gain 800% within 24 hours.”<sup>24</sup>

26. In recognition of the strength and consumer recognition of its SATOSHISTREETBETS mark, DHC also has partnered with other legitimate cryptocurrency projects for paid promotions on the authentic SATOSHISTREETBETS Telegram, Twitter and Discord forums. DHC is very selective with respect to these partnerships.

27. All of the authentic SSB Forums operated by DHC prominently feature the SATOSHISTREETBETS trademark. As shown in the table below, DHC consistently and prominently uses the SATOSHISTREETBETS trademark across its websites, platforms, and services, to ensure that consumers associate the authentic SSB Forums with the SATOSHISTREETBETS mark.

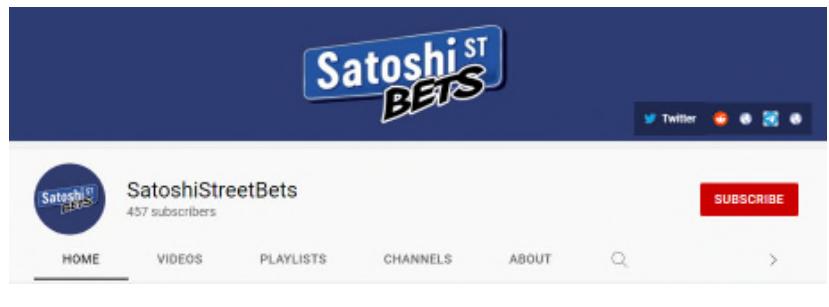
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<sup>23</sup> Arjun Kharpal, *Reddit Frenzy Pumps Up Dogecoin, a Cryptocurrency Started as a Joke*, CNBC (Jan. 29, 2021 3:36 pm), <https://www.cnbc.com/2021/01/29/dogecoin-cryptocurrency-rises-over-400percent-after-reddit-group-talks-it-up.html>.

<sup>24</sup> Shalini Nagarajan, *These Are the Top 10 US States Where Dogecoin's Popularity Shot Up After a Group of Redditors Decided to Make It the Crypto Equivalent of Gamestop*, Markets Insider (Feb. 6, 2021), <https://markets.businessinsider.com/news/stocks/top-10-us-states-where-dogecoin-popularity-surge-redit-gamestop-2021-2>.

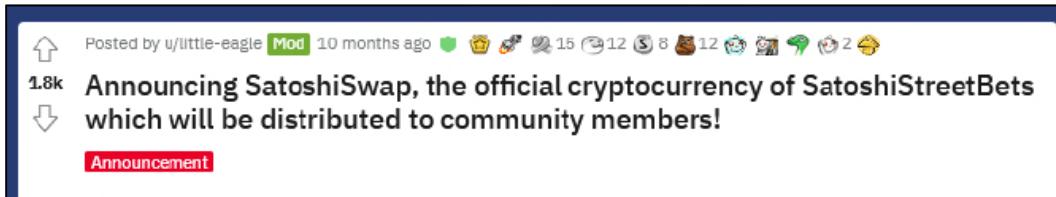
Authentic SSB Forum	Use of the SATOSHISTREETBETS Mark
<a href="http://www.satoshistreetbets.com">www.satoshistreetbets.com</a>	 <p>The official cryptocurrency of </p> <p><a href="#">Claim Presale Slot</a></p>
Reddit	 <p>Crypto traders with diamond hands  <a href="#">join</a></p> <p>Posts   SatoshiSwap   Telegram  @SSSBETSBOT   Twitter   Discord</p>
Telegram	 <p><b>SatoshiStreetBets</b> 112 477 members, 3 609 online</p> <p>SatoshiStreetBets was founded on Reddit in Feb 2020: <a href="https://reddit.com/r/SatoshiStreetBets">reddit.com/r/SatoshiStreetBets</a></p>

Authentic SSB Forum	Use of the SATOSHISTREETBETS Mark
@SatoshiStBets Twitter	 <p>SatoshiStreetBets @SatoshiStBets Official Twitter of #SatoshiStreetBets <a href="https://www.reddit.com/r/SatoshiStreetBets/">reddit.com/r/SatoshiStreetBets/</a> 508k <a href="https://www.twitch.tv/SatoshiStreetBets">twitch.tv/SatoshiStreetBets</a> 129k <a href="https://discord.gg/SatoshiStreetBets">discord.gg/SatoshiStreetBets</a> 40k @SatoshiSwapHQ Not financial advice. <a href="https://SatoshiStreetBets.com">SatoshiStreetBets.com</a> Joined February 2020</p>
Discord	 <p>You've been invited to join <b>SatoshiStreetBets</b> 3,840 Online • 39,098 Members</p>
YouTube	 <p>SatoshiStreetBets 457 subscribers SUBSCRIBE</p>

#### DHC'S PLANS FOR EXPANDING THE SATOSHISTREETBETS BRAND

28. On February 12, 2021, DHC announced that it plans to launch SatoshiSwap – the official cryptocurrency of the SATOSHISTREETBETS community – on Binance Smart Chain.

The announcement received 1,800 “upvotes” and 694 comments on DHC’s authentic SATOSHISTREETBETS subreddit:



29. As demonstrated above, DHC has marketed, and intends to market, the SatoshiSwap token and a related cryptocurrency trading platform under the SATOSHISTREETBETS mark. DHC has invested significant resources in building the SatoshiSwap token and platform and bringing them to market under the SATOSHISTREETBETS brand.

30. The SatoshiSwap presale began January 20, 2022 and concluded on January 22, 2022, after raising millions of USD Coin (“USDC”), a stablecoin approximately equal to one dollar in value. The token is currently available on PancakeSwap.<sup>25</sup>

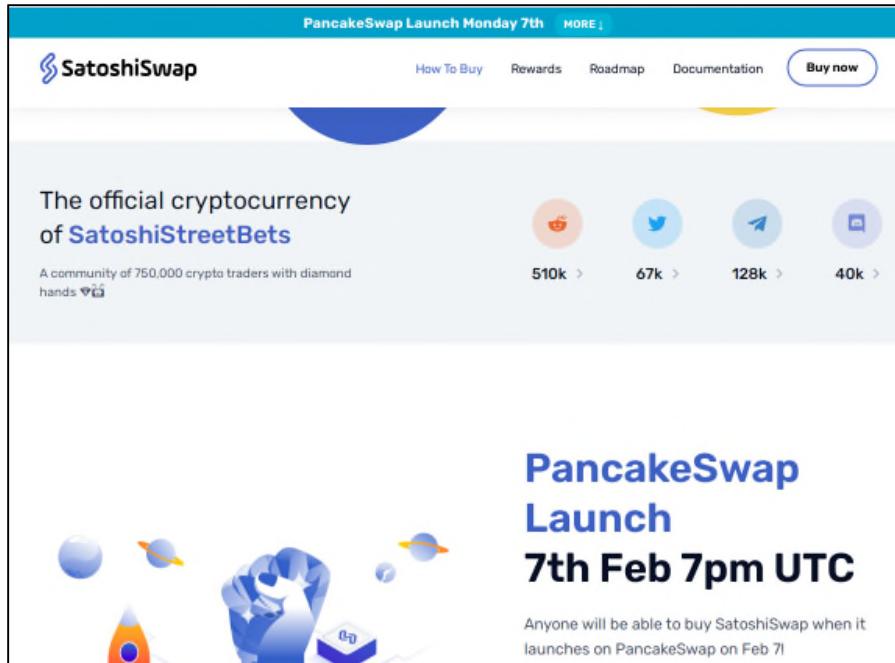
31. Separately, DHC launched a “meme token” on January 28, 2022 called “Derpy Toshi.” The token is available on UniSwap,<sup>26</sup> and is intended to be a fun project for the SATOSHISTREETBETS community, which has “a strong meme-coin component to [its] audience base.”<sup>27</sup>

32. DHC features these tokens across the SSB Forums as well as through a dedicated SatoshiSwap website (<https://satoshiswap.net/>). The homepage of this website prominently links the tokens to the official SATOSHISTREETBETS community:

<sup>25</sup> *SatoshiSwap (SWAP)*, PancakeSwap, <https://pancakeswap.finance/swap> (last visited Feb. 8, 2022).

<sup>26</sup> *DERPY*, Uniswap, <https://app.uniswap.org/#/swap?outputCurrency=0xC4F4Fd359E36B831a989986385d127F11124ce0a&chain=mainnet> (last visited Feb. 11, 2022).

<sup>27</sup> u/little-eagle, *SatoshiSwap update - what to expect in December*, Reddit (Dec. 1, 2021 4:07:11 PM), [https://www.reddit.com/r/SatoshiStreetBets/comments/r6p85a/satoshiswap\\_update\\_what\\_to\\_expect\\_in\\_december/](https://www.reddit.com/r/SatoshiStreetBets/comments/r6p85a/satoshiswap_update_what_to_expect_in_december/) (describing the meme token as “a pure YOLO move and [] just for fun”).



33. DHC is also developing an expanded SATOSHISTREETBETS-branded cryptocurrency discussion forum and marketplace on its website, <https://www.satoshistreetbets.com/>.

#### MEDIA RECOGNITION OF THE AUTHENTIC SATOSHISTREETBETS BRAND

34. DHC's authentic SATOSHISTREETBETS-branded communities have received widespread media attention, as has the launch of SatoshiSwap.

35. Major media outlets such as *CNBC*,<sup>28</sup> *Forbes*,<sup>29</sup> *Fox Business*,<sup>30</sup> *Yahoo! Finance*,<sup>31</sup> *CNN*,<sup>32</sup> and the *Wall Street Journal*<sup>33</sup> all have written articles discussing DHC's

<sup>28</sup> Kharpal, *supra* note 23.

<sup>29</sup> Robert Hart, 'It's Doge Time': Dogecoin Surges As Reddit Traders Push To Make it the Crypto GameStop, *Forbes* (Jan. 28, 2021, 07:39 AM), <https://www.forbes.com/sites/roberthart/2021/01/28/its-doge-time-dogecoin-surges-as-reddit-traders-push-to-make-it-the-crypto-gamestop/?sh=717796a7217e>.

<sup>30</sup> Audrey Conklin, *Dogecoin: What's behind the surge?*, *FoxBusiness* (Apr. 16, 2021), <https://www.foxbusiness.com/markets/dogecoin-surge-explanation/>.

<sup>31</sup> Neer Varshney, *Bitcoin Shoots Up 11%: Did Elon Musk-Dogecoin Boost Help?*, *Yahoo! Finance* (Jan. 28, 2021), [https://finance.yahoo.com/news/bitcoin-shoots-11-did-elon-031832425.html?guccounter=1&guce\\_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce\\_referrer\\_sig=AQAAAAGt1bzPGtTlvulbdBpPvpzgd4AhcFYi2QnkL\\_erMj9ykqjuKDOYZYZxUswuJXtfOEqbpruUz\\_F2t](https://finance.yahoo.com/news/bitcoin-shoots-11-did-elon-031832425.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAAAGt1bzPGtTlvulbdBpPvpzgd4AhcFYi2QnkL_erMj9ykqjuKDOYZYZxUswuJXtfOEqbpruUz_F2t)

authentic SATOSHISTREETBETS communities. The *New York Post* reported on January 29, 2021, that “Dogecoin has become the favored cryptocurrency on Reddit’s ‘SatoshiStreetBets’ message board, a hub for crypto traders named for Bitcoin’s pseudonymous founder, Satoshi Nakamoto.”<sup>34</sup>

36. *Bloomberg* has used examples from the authentic SATOSHISTREETBETS subreddit to highlight the active engagement with DHC’s SSB Forums: “Users on the Reddit thread SatoshiStreetBets touted the gains with posts like, ‘Up 25% this last hour. First dog on the moon’ and ‘NEED \$1 Doge.’ Another one said ‘Doge = the crypto gme,’ referring to GameStop Corp., the stock that’s surged some 400% this week as retail traders squeezed short sellers.”<sup>35</sup> And, on February 14, 2021, *MarketWatch* added that, “[o]n Reddit’s popular SatoshiStreetBets chat forum, some expressed a hope to push dogecoins value to \$1.”<sup>36</sup>

37. News sites catering to retail investors have also recognized the importance of SatoshiStreetBets in the larger cryptocurrency community. *Investotrend* highlighted the usefulness of DHC’s authentic SSB Forums in June 2021, describing the SATOSHISTREETBETS subreddit as “an excellent place . . . to get tips on small marketcap

<sup>32</sup> 2WXoFY93fAzkh2ZIyZzt5KTgwKt8Hz9jW3bsxR8j3e8TOpxCHEKodSYs98TC6-RYmuBQ8HgnY7PjGlxBlkAZnWw4KxbgmO.

<sup>33</sup> Michelle Toh, *Dogecoin soars 370% as Reddit group works to send the cryptocurrency ‘to the moon,’* CNN (Jan. 29, 2021), <https://www.cnn.com/2021/01/29/investing/dogecoin-surge-reddit-intl-hnk/index.html>.

<sup>34</sup> Caitlin Ostroff, *Cryptocurrency Platforms Struggle With Demand From WallStreetBets Fervor,* Wall Street Journal (Jan. 29, 2021, 2:20 PM), <https://www.wsj.com/articles/cryptocurrency-platforms-struggle-with-demand-from-wallstreetbets-fervor-11611948032>.

<sup>35</sup> Noah Manskar, *Robinhood Limits Cryptocurrency Trading as Bitcoin, Dogecoin Surge,* New York Post (Jan. 29, 2021, 9:25 AM), <https://nypost.com/2021/01/29/robinhood-limits-crypto-trading-as-bitcoin-dogecoin-surge/>.

<sup>36</sup> Joanna Ossinger & Gregor Stuart Hunter, *Dogecoin Surges 77% as Retail Fever Pitch Stretches Into Crypto,* Bloomberg (Jan. 28, 2021, 5:29 AM), <https://www.bloomberg.com/news/articles/2021-01-28/dogecoin-surges-77-as-retail-fever-pitch-stretches-into-crypto>.

<sup>36</sup> Mark DeCambre, *Why is Dogecoin dropping? The Crypto has Tumbled 20% Since Its Monday Record,* MarketWatch (Feb. 14, 2021 7:15 PM), <https://www.marketwatch.com/story/why-is-dogecoin-dropping-the-crypto-has-tumbled-20-since-its-monday-record-11613162137>.

cryptocurrencies.” The profile also noted, “[t]here are not that many alternatives to Satoshi Street Bets at the moment.”<sup>37</sup>

38. Likewise, *Economy Watch* has recognized the “popular subreddit SatoshiStreetBets” as the place to get insights into the cryptocurrency market.<sup>38</sup>

39. The media’s recognition of the prominence of the authentic SATOSHISTREETBETS services provided by DHC is not limited to the United States. For example, on February 5, 2021, *India Today* reported that “[h]ours” after Elon Musk, the CEO of Tesla, tweeted his support for Dogecoin, “millions of people joined the subreddit Satoshi Street Bets and wrote about ‘taking doge to the moon,’ encouraging users to not sell the Dogecoin till its value reaches a dollar.”<sup>39</sup>

40. DHC’s SatoshiSwap cryptocurrency also has been featured on a number of news sites focused on the crypto market. *Be [In] Crypto* reported on the launch of SatoshiSwap by recognizing its connection to the authentic SSB Forums: “[T]he SatoshiStreetBets subreddit . . . is set to launch to a decentralized leverage trading protocol alongside other DeFi related services.”<sup>40</sup> *Decrypt* also covered the announcement of SatoshiSwap, noting, “[m]ainstream media entities started covering [the SATOSHISTREETBETS subreddit] during Dogecoin’s

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<sup>37</sup> Brandon Egbert, *Everything You Need To Know About Satoshi Street Bets*, InvestoTrend (June 15, 2021), <https://investotrend.com/satoshi-street-bets/>.

<sup>38</sup> Jimmy Aki, *SatoshiStreetBets Crypto Tips – October 2021 Week 2*, Economy Watch (Oct. 8, 2021) <https://www.economywatch.com/news/satoshistreetbets-crypto-tips-october-2021-week-2>.

<sup>39</sup> India Today Tech, *Dogecoin price surges by 50 per cent after Tesla CEO Elon Musk calls it the people’s crypto on Twitter*, India Today (Feb. 5, 2021 11:49 IST), <https://www.indiatoday.in/technology/news/story/dogecoin-price-surges-by-50-per-cent-after-tesla-ceo-elon-musk-calls-it-the-people-s-crypto-on-twitter-1766133-2021-02-05>.

<sup>40</sup> Daniel Okorafor & Kyle Baird, *SatoshiSwap to Feature Decentralized Trading Protocol on Binance Smart Chain*, Be [In] Crypto (Mar. 22, 2021 12:03 AM), <https://beincrypto.com/satoshiswap-feature-decentralized-trading-protocol-binance-smart-chain/>.

recent price surge from under a penny to an all-time high above \$0.08 . . . Imagine how hard they'll rally for their own currency.”<sup>41</sup>

41. The website *Benzinga*, which features news about the stock market and cryptocurrencies, maintains a Topics page devoted to the authentic SATOSHISTREETBETS community – further reflecting the brand’s prominence.<sup>42</sup>

#### DHC’S EFFORTS TO REGISTER THE SATOSHISTREETBETS TRADEMARK

42. DHC’s use of the SATOSHISTREETBETS trademark to identify its authentic forums and its cryptocurrency products makes the mark its most valuable asset. DHC has registered the SATOSHISTREETBETS trademark in the United Kingdom, Registration No. UK00003671493, and in the European Union, Registration No. 018526081, and has filed applications to register the mark in other regions including the United States, Australia, Canada, and Russia.

43. In the United States, on August 11, 2021, DHC filed to register SATOSHISTREETBETS for use in connection with a variety of cryptocurrency investment products and services, Serial No. 90/878,315 (SATOSHISTREETBETS, in Classes 36, 41, 42, and 45) and Serial No. 90/878,349 (SATOSHISTREETBETS, in Classes 9 and 38) (together the “SATOSHISTREETBETS Applications”). Although DHC is aware of other individuals or entities that have filed U.S. trademark applications for the SATOSHISTREETBETS marks, none has priority over DHC’s first use of the SATOSHISTREETBETS mark in commerce on February 23, 2020, and DHC fully expects to secure the federal registration of the SATOSHISTREETBETS mark. DHC intends to oppose all other attempts to register the

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<sup>41</sup> Jeff Benson, *WallStreetBets Reddit Spinoff Is Launching Its Own Cryptocurrency*, Decrypt (Feb. 12, 2021), <https://decrypt.co/57633/wallstreetbets-reddit-spinoff-is-launching-its-own-cryptocurrency>.

<sup>42</sup> *SatoshiStreetBets*, Benzinga, <https://www.benzinga.com/topic/satoshistreetbets> (last visited Feb. 8, 2022).

SATOSHISTREETBETS mark and reserves its rights to add additional parties to this Complaint if it determines through discovery that they are attempting to register the SATOSHISTREETBETS mark in concert with Defendants.

**DEFENDANTS' CONDUCT**

44. The Defendants in this case offer a variety of unauthorized, infringing products and services using the SATOSHISTREETBETS trademark without authorization, including products and services that directly compete with DHC's authentic SSB Forums and SatoshiSwap and Derpy Toshi cryptocurrencies. Defendants, who on information and belief were each aware of the authentic SATOSHISTREETBETS community prior to launching their infringing products and services, have persisted in their infringing conduct even in the face of widespread consumer confusion, in a transparent attempt to improperly siphon the goodwill DHC has built in the SATOSHISTREETBETS brand.

45. For example, Defendant Bongers contacted DHC using his “DarthVIX” social media account on December 29, 2020, through the authentic SATOSHISTREETBETS subreddit, claiming he wanted to help DHC develop a Telegram account for the subreddit. Defendant Bongers explained that he “was pretty interested in promoting Satoshi Street Bets.” However, after a short conversation in which DHC initially expressed interest in having Defendant Bongers promote the authentic SSB Forums, Defendant Bongers revealed that he had already created an unauthorized, infringing SATOSHISTREETBETS Telegram channel. DHC responded immediately to note that the Telegram group was unauthorized, that DHC already operated an authentic SATOSHISTREETBETS Telegram channel, and that Defendant Bongers should cease using the SATOSHISTREETBETS brand name.

46. Furthermore, Defendant Kazlow assisted Defendant Bongers (whom he identified as “BTCVIX”) in creating one or more of Defendants’ infringing Telegram forums. In addition, on January 20, 2022, Defendant Kazlow, on information and belief using the alias “Nikolai White,” erroneously asserted that he “own[s]” the trademark” in SATOSHISTREETBETS despite having no rights to the mark, and identified himself as the former “head of business development for [the infringing] satoshistreetbets”:



43

47. Rather than participate in the authentic SSB Forums or start their own community under a distinct name, Defendants chose to capitalize on the goodwill of the SATOSHISTREETBETS trademark by directly and completely copying the brand in creating a series of unauthorized competing forums using the SATOSHISTREETBETS mark on Telegram, Twitter, and YouTube. These infringing forums include the currently suspended Twitter

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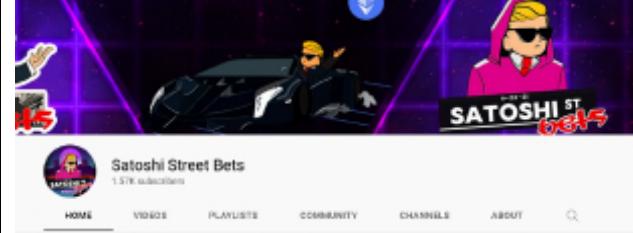
<sup>43</sup> @satoshibusinessassociation, *supra* note 18.

@SatoshiStrBets (twitter.com/SatoshiStrBets); Telegram @SatoshiStreetBets (<https://t.me/SatoshiStreetbets>); Telegram @SSBTOKENOfficial; Telegram @SatoshiStreetBetsAnnouncements (<https://t.me/satoshistreetbetsannouncements>); Telegram @satoshibusinessassociation (<https://t.me/SatoshiBusinessAssociation/>); Telegram user account @NikolaiWhite (<https://t.me/NikolaiWhite>); and Satoshi Street Bets Podcast YouTube channel (<https://youtube.com/channel/UCuvw3AlJmW-db0OTWNd1I-Q>). Initially, Defendants' infringing community was limited to the Telegram @SatoshiStreetBets group chat (which was founded almost exactly ten months after the authentic website, subreddit, and Twitter were established), but over time the infringing community has grown to include other infringing forums.

48. The infringing forums operated by Defendants prominently feature – without authorization – the entirety of the SATOSHISTREETBETS trademark, giving visitors the unmistakable impression that these pages are sponsored by, approved by, or affiliated with DHC's SATOSHISTREETBETS brand.

Site	Infringing Use of SATOSHISTREETBETS
<b>Telegram -</b> <b>@SatoshiStreetBets (<a href="https://t.me/satoshistreetbets">t.me/satoshistreetbets</a>)</b>	 <p>SatoshiStreetBets  </p> <p>65 730 members, 3 077 online</p> <p>SatoshiStreetBets</p>

Site	Infringing Use of SATOSHISTREETBETS
<b>Telegram -</b> <b>@SatoshiStreetBetsAnnouncements</b> <b>(t.me/satoshistreetbetsannouncements)</b>	 <b>[ANN] SatoshiStreetBets</b>  <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">O</span> 8 692 subscribers [ANN] channel for @SatoshiStreetBets
<b>Currently Suspended Twitter -</b> <b>@SatoshiStreetBets</b> <b>(https://twitter.com/SatoshiStrBets)</b>	 ← <b>SatoshiStreetBets</b> 252 Tweets  <b>SatoshiStreetBets</b> @SatoshiStrBets Official Twitter of <a href="#">@SatoshiStreetBets</a> on Telegram 50k+ Degen apes SSB Main Group: <a href="#">t.me/SatoshiStreetBets</a> SSBTOKEN Group: <a href="#">t.me/SSBTOKENOfficial</a> ⌚ Your Wife's BF's Apartment   <a href="#">SSBToken.com</a>   Joined July 2014
<b>Twitter -</b> <b>@BetsPodcast</b> <b>(https://twitter.com/betspodcast)</b>	← <b>Satoshi Street Productions</b> 309 Tweets   <b>Satoshi Street Productions</b> @BetsPodcast Host of the Satoshi Street Bets Podcast on YouTube! CEO of the Satoshi Business Association Offering Enterprise Level Blockchain Services DM me for inquiries ⌚ Wall Street New York   <a href="#">youtube.com/channel/UCuvw3...</a> 📅 Joined February 2021

Site	Infringing Use of SATOSHISTREETBETS
<b>YouTube -</b> <b>Satoshi Street Bets Podcast</b> ( <a href="https://youtube.com/channel/UCUww3AlJmW-db0OTWNd1I-Q">https://youtube.com/channel/UCUww3AlJmW-db0OTWNd1I-Q</a> )	 <p>Satoshi Street Bets 1.37K subscribers</p> <p>HOME VIDEOS PLAYLISTS COMMUNITY CHANNELS ABOUT</p>
<b>SatoshiStreetBets – A Hyper Deflationary Token – Website</b> ( <a href="http://www.ssbtoken.com">www.ssbtoken.com</a> )	
<b>Telegram –</b> <b>@NikolaiWhite</b> ( <a href="https://t.me/NikolaiWhite">https://t.me/NikolaiWhite</a> )	 <p>Nikolai White (((Can't DM even if I want to))) @NikolaiWhite Host of Satoshi Street Bets Youtube NFT NYC Billboards #SSBIsnotme</p>

49. Defendant Kazlow's infringing @satoshibusinessassociation Telegram account incorporates the abbreviated "Satoshi St. Bets" in its profile picture, as depicted below:



### Satoshi Business Association [SBA]

66 members, 20 online

Metaverse made easy

44

<sup>44</sup> @satoshibusinessassociation, Telegram, <https://t.me/SatoshiBusinessAssociation> (last visited Feb. 8, 2022).

50. Other than on the @satoshibusinessassociation Telegram account, even where the Defendants' accounts use a variation of the full SATOSHISTREETBETS mark, such as the abbreviation "SSB", Defendants consistently reference DHC's entire trademark – either through a description, through links to other infringing accounts, or as part of the forum's URL – and unlawfully use the SATOSHISTREETBETS brand to create the false impression that they are associated with the authentic SATOSHISTREETBETS forums. For example, Defendants' Telegram group dedicated to its cryptocurrency – @SSBTOKENOfficial – prominently links the page to Defendants' other unauthorized forums, including Defendants' "SatoshiStreetBets" Telegram and the currently suspended "SatoshiStrBets" Twitter account:



### **SSB Token Official**

9 255 members, 553 online

Website : SSBtoken.com

<https://gettr.com/user/SatoshiStBets>

Main Group: <https://t.me/satoshistreetbets..45>

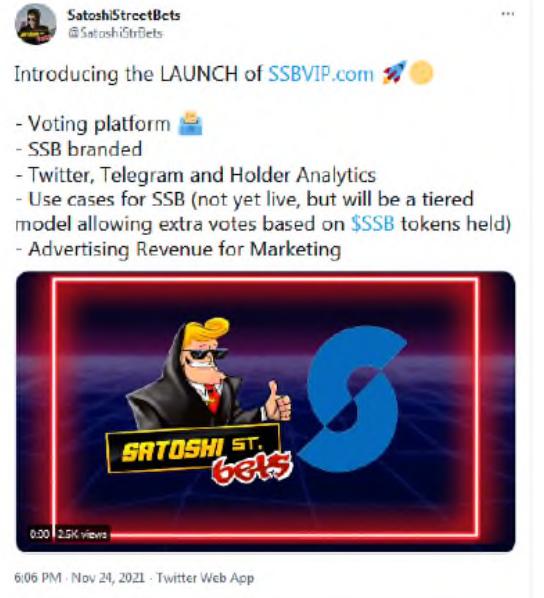
51. Likewise, on Twitter, Defendants have operated an account with the handle "@SatoshiStrBets."<sup>46</sup> The account is currently suspended, but when it was active, the Defendants set the display name for the account as "SatoshiStreetBets." This unauthorized, infringing use of DHC's mark was prominently featured at the top of Defendants' unauthorized Twitter page, and appeared with each of Defendants' tweets, creating the impression that

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<sup>45</sup> @SSBTOKENOfficial, Telegram, <https://t.me/SSBTOKENOfficial> (last visited Feb. 8, 2022).

<sup>46</sup> As of February 8, 2022, Twitter had suspended the Defendants' account for violating its rules regarding impersonation, following DHC's complaint that the account was infringing on its trademark rights.

Defendants' profile and tweets were sponsored by, approved by, or affiliated with DHC's authentic SATOSHISTREETBETS brand:

Defendants' @SatoshiStrBets Twitter Profile	Sample Tweet by @SatoshiStrBets <sup>47</sup>
 <p><b>SatoshiStreetBets</b> @SatoshiStrBets Official Twitter of @SatoshiStreetBets™ Telegram 90k+ Degen apes SSB Main Group: <a href="https://t.me/SatoshiStreetBets">t.me/SatoshiStreetBets</a> SSBTOKEN Group: <a href="https://t.me/SSBTOKENOfficial">t.me/SSBTOKENOfficial</a> Your Wife's BF's Apartment SSBltoken.com Joined July 2014</p>	 <p><b>SatoshiStreetBets</b> (@SatoshiStrBets) · ...</p> <p>Introducing the LAUNCH of <a href="#">SSBVIP.com</a> 🚀💡</p> <ul style="list-style-type: none"> <li>- Voting platform 🗳️</li> <li>- SSB branded</li> <li>- Twitter, Telegram and Holder Analytics</li> <li>- Use cases for SSB (not yet live, but will be a tiered model allowing extra votes based on \$SSB tokens held)</li> <li>- Advertising Revenue for Marketing</li> </ul> <p>0:00 2.5K views</p> <p>6:06 PM · Nov 24, 2021 · Twitter Web App</p> <p>1,018 Retweets 5 Quote Tweets 1,079 Likes</p>

52. On information and belief, Defendants also have attempted to create the appearance of legitimacy for their unauthorized forums by paying for comments on their tweets, such as these short, nonspecific replies to a November 24, 2021 tweet, which are indicative of paid engagement by “bots”:

<sup>47</sup> SatoshiStreetBets (@SatoshiStrBets), Twitter (Nov. 24, 2021 6:06 PM), <https://twitter.com/SatoshiStrBets/status/1463645276250509330>.

@SatoshiStrBets 11/24/2021 Tweet <sup>48</sup>	Selected Replies
<p>SatoshiStreetBets @SatoshiStrBets</p> <p>Introducing the LAUNCH of SSBVIP.com 🎉☀️</p> <ul style="list-style-type: none"> <li>- Voting platform 🗳️</li> <li>- SSB branded</li> <li>- Twitter, Telegram and Holder Analytics</li> <li>- Use cases for SSB (not yet live, but will be a tiered model allowing extra votes based on \$SSB tokens held)</li> <li>- Advertising Revenue for Marketing</li> </ul>  <p>6:06 PM · Nov 24, 2021 · Twitter Web App</p> <p>1,018 Retweets 5 Quote Tweets 1,079 Likes</p>	<p>Farjana Hira @FarjanaHira1 · Nov 24 Replies to @SatoshiStrBets Good platform</p> <p>Prodip Ray @ProdipR44041881 · Nov 24 Replies to @SatoshiStrBets Nice</p> <p>hasib7664 @hasib7664 · Nov 24 Replies to @SatoshiStrBets good job</p> <p>Anika Tabassum @AnikaTa02451212 · Nov 24 Replies to @SatoshiStrBets Fine</p> <p>Hasibur Rahman @Shanto43 · Nov 24 Replies to @SatoshiStrBets Nice</p> <p>hamza @hamzaIn321 · Nov 24 Replies to @SatoshiStrBets Good</p>

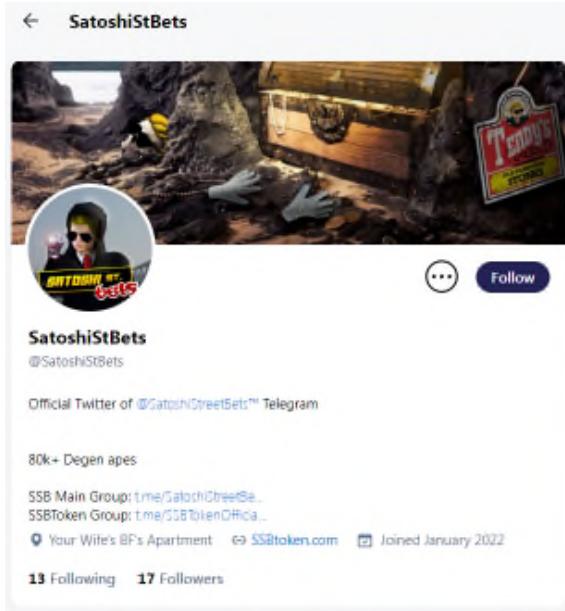
53. On information and belief, Defendants’ Twitter account was not the only infringing account filled with comments from bots. Defendant Kazlow, on information and belief operating under the alias “Nikolai White,” posted in his @satoshibusinessassociation Telegram account that the infringing @satoshistreetbets Telegram was also “a botfest rug fest,” until April 2020 when they “had some feds clear out the chat and started over.”<sup>49</sup>

54. After Twitter suspended the Defendants’ account on January 4, 2022, the Defendants created a Gettr account, @SatoshiStBets, which uses the *exact same handle* as

<sup>48</sup> See id.

<sup>49</sup> See *supra* ¶ 46 (citing @satoshibusinessassociation, Telegram (Jan. 20, 2022, 3:47 PM), <https://t.me/SatoshiBusinessAssociation/19703>).

DHC's Twitter account.<sup>50</sup> This use further reflects the Defendants' efforts to create the false impression that they are associated with the authentic SATOSHISTREETBETS forums:



51

55. Defendant Kazlow has offered an unauthorized, infringing SATOSHISTREETBETS podcast on an unauthorized, infringing “Satoshi Street Bets Podcast” YouTube page. On information and belief, this podcast is linked to the @BetsPodcast Twitter page, which uses an infringing “Satoshi St. Bets” logo and promotes Defendant Kazlow’s unauthorized uses of the SATOSHISTREETBETS brand. The page also lists itself as “located” in New York:

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<sup>50</sup> Gettr is “[a] brand new social media platform founded on the principles of free speech, independent thought and rejecting political censorship and ‘cancel culture.’” Gettr Home Page, <https://www.gettr.com/onboarding> (last visited Feb. 10, 2022). The platform was launched on July 4, 2021, by former Senior Trump Advisor Jason Miller. About, Gettr, <https://about.gettr.com/> (last visited Feb. 10, 2022).

<sup>51</sup> @SatoshiStBets, Gettr, <https://gettr.com/user/SatoshiStBets> (last visited Feb. 8, 2022).



56. Defendant Kazlow also has filed the Kazlow Applications to register two trademarks that are substantially similar to DHC's SATOSHISTREETBETS mark – SATOSHI STREET BETS 22-51 and 22-51 SATOSHI ST BETS. The Kazlow Applications each claim priority dates in 2021, long after DHC began using the SATOSHISTREETBETS trademark.

57. Additionally, Defendant Bongers filed the Bongers Application to register one trademark that is identical to DHC's SATOSHISTREETBETS mark. The Bongers Application claims a priority date of January 21, 2021 – nearly a year after DHC's first use of the SATOSHISTREETBETS trademark.

58. In addition to appropriating DHC's trademark for their own infringing services, Defendants Bongers and Starling launched the unauthorized \$SSB token on October 21, 2021, a digital asset that uses the entirety of DHC's trademark in its name.<sup>53</sup> Along with Defendant John Doe 1, Defendants Bongers and Starling offered and continue to offer \$SSB through the

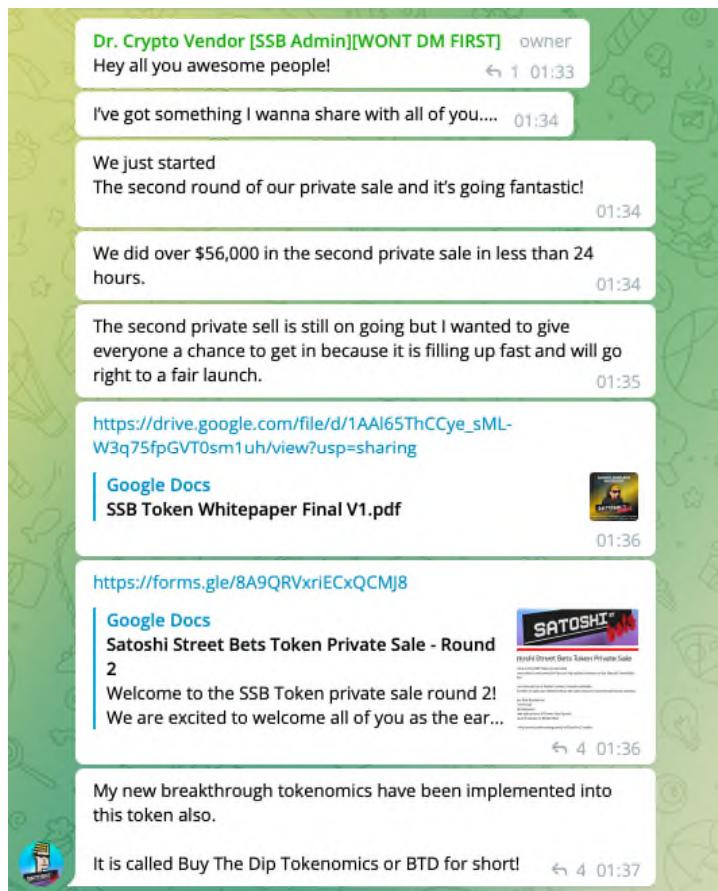
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<sup>52</sup> The Twitter page states that SatoshiStreetBets Productions is located in “Wall Street New York.” @BetsPodcast, *supra* note 11.

<sup>53</sup> See SatoshiStreetBets (@SatoshiStrBets), Twitter (Oct. 20, 2021, 1:29 PM), <https://web.archive.org/web/20211020184757/https://twitter.com/SatoshiStrBets/status/1450876867435696140> (announcing the launch of the token).

PancakeSwap and Bitmart cryptocurrency exchanges.<sup>54</sup> As of February 8, 2022, \$SSB had a fully diluted market capitalization of over \$2.7 million (down from a market capitalization that had reached over \$30 million),<sup>55</sup> and there had been over 88,886 transfers of the token and 17,102 holders.<sup>56</sup>

59. Defendant Starling, who on information and belief controls the Telegram account “Dr. Crypto Vendor,” has used Telegram to promote the private sale of the \$SSB token:



<sup>54</sup> See *SatoshiStreetBets Token*, PancakeSwap, <https://pancakeswap.finance/info/token/0x55b53855eae06c4744841dbfa06fce335db4355b> (last visited Feb. 8, 2022); *SSB/USDT*, BitMart, [https://www.bitmart.com/trade/en?symbol=SSB\\_USDT&layout=basic](https://www.bitmart.com/trade/en?symbol=SSB_USDT&layout=basic) (last visited Feb. 8, 2022); see also BitMart, CoinMarketCap, coinmarketcap.com/exchanges/bitmart/ (last visited Dec. 1, 2021) (stating that BitMart has an office in New York).

<sup>55</sup> This number is as of February 8, 2022. See *SatoshiStreetBets Token*, CoinMarketCap, <https://coinmarketcap.com/currencies/satoshistreetbets/> (last visited Feb. 8, 2022).

<sup>56</sup> This number is as of February 8, 2022. See *SatoshiStreetBets Token*, BscScan, bscscan.com/token/0x55b53855eae06c4744841dbfa06fce335db4355b (last visited Feb. 8, 2022).

60. Defendants Bongers, Starling and, on information and belief, John Doe 1 also have made blatant use of DHC's trademark in promoting their unauthorized token on their forums:

Defendants' Twitter Post <sup>57</sup>	Defendants' Telegram Post <sup>58</sup>
 <p>SatoshiStreetBets @SatoshiStrBets</p> <p>the #SSBArmy has been absolutely INSANE -- just 72hours after launch and already over 10,000 holders !! \$SSB #SatoshiStreetBets #WallStreetBets</p> <p></p> <p><b>SATOSHI ST. bets</b></p> <p>ssbtoken.com Satoshi Street Bets - A Hyper Deflationary Token Our mission and vision is to create a successful crypto project and support it with the massive Satoshi Street Bets community.</p> <p>6:29 PM · Oct 24, 2021 · Twitter Web App</p> <p>53 Retweets 4 Quote Tweets 94 Likes</p>	 <p>Satoshi in SSB Token Official \$SSB Website Satoshi Street Bets</p> <p></p> <p><b>SATOSHI ST. bets</b></p> <p>Satoshi Street Bets - A Hyper Deflationary Token Our mission and vision is to create a successful crypto project and support it with the massive Satoshi Street Bets community.</p> <p>t.me/SSBTOKENOFFICIAL/463976 Dec 14 at 08:05</p>

61. In promoting the unauthorized, infringing \$SSB token, Defendants Bongers, Starling, and, on information and belief, John Doe 1 have further suggested their connection to the real SATOSHISTREETBETS community by claiming that they “are determined to create a successful crypto project and support it with the massive Satoshi Street Bets community” – a community whose goodwill in the SATOSHISTREETBETS brand was built by DHC, not by the Defendants.<sup>59</sup>

<sup>57</sup> SatoshiStreetBets (@SatoshiStrBets), Twitter (Oct. 24, 2021 6:29 PM), <https://web.archive.org/web/20211025065358/https://twitter.com/SatoshiStrBets/status/1452401937098366977>.

<sup>58</sup> @SSBTOKENOFFICIAL, Telegram (Dec. 14, 8:05 AM), <https://t.me/SSBTOKENOFFICIAL/463976>.

<sup>59</sup> *Our Mission & Vision*, Satoshi St. Bets, ssbtoken.com (last visited Feb. 8, 2022).

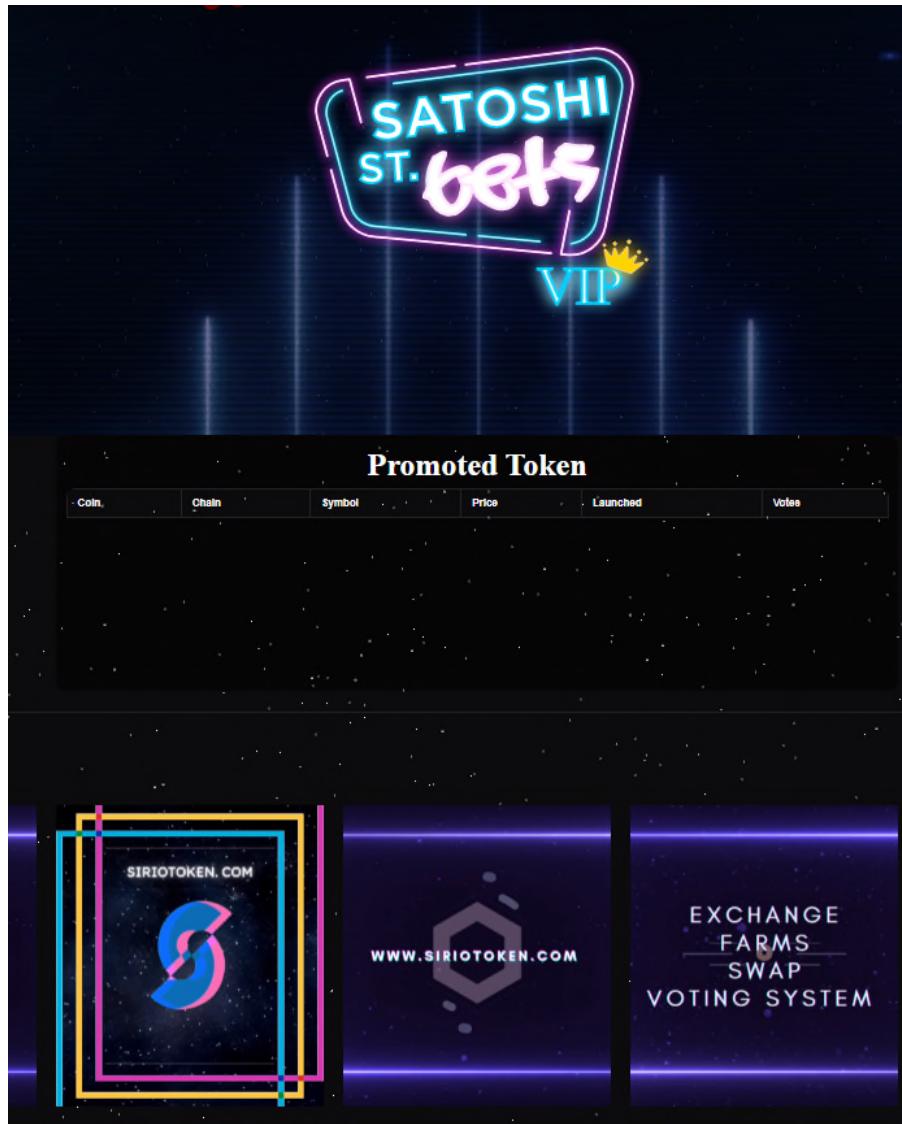
62. Defendants Bongers, Starling, and, on information and belief, John Doe 1 also have created a second infringing website, ssbvip.com, to generate additional revenue from their unauthorized use of the SATOSHISTREETBETS name. Defendants announced the launch of this website in a Tweet on November 24, 2021, including that it would generate “Advertising Revenue for Marketing” and that it was “SSB branded”:



63. The website currently offers opportunities to advertise on the page and for other cryptocurrency projects to list their tokens. Through the ssbvip.com site, Defendants Bongers, Starling, and, on information and belief, John Doe 1 are not only profiting from their infringing use of the SATOSHISTREETBETS mark, but also further potentially tarnishing the authentic SATOSHISTREETBETS brand by associating it with other products and services, without authorization from DHC. For example, as of February 8, 2022, the website contained

<sup>60</sup> @SatoshiStrBets, *supra* note 46.

advertisements for a token called “Sirio,” thereby misleadingly and confusingly conveying an endorsement of “Sirio” by SATOSHISTREETBETS when no such endorsement or affiliation exists:



64. Defendants Bongers, Starling, and, on information and belief, John Doe 1 have further unlawfully sought to profit from the confusion they have created on their unauthorized forums by selling unauthorized SATOSHISTREETBETS NFTs, which contribute to consumer confusion that Defendants' forums and digital assets are sponsored by, or are associated or

affiliated with, DHC’s authentic SATOSHISTREETBETS brand.<sup>61</sup> Defendants Bongers, Starling, and John Doe 1 also have publicly discussed plans to expand their infringing uses of the SATOSHISTREETBETS mark in the near future, including to a SATOSHISTREETBETS satellite radio show and video program.<sup>62</sup>

65. Defendants Bongers, Starling, and, on information and belief, John Doe 1 also established an unauthorized SATOSHISTREETBETS-branded profile on NFTb.io, a “[m]arketplace for NFTs and digital goods,” where they displayed their collection of NFTs for sale.<sup>63</sup> This infringing use of the SATOSHISTREETBETS mark also misleadingly and confusingly implied an endorsement of these NFTs by the authentic SATOSHISTREETBETS brand. As of February 8, 2022, NFTb had delisted the Defendants’ page following an investigation into the account prompted by a cease and desist letter sent by DHC that detailed its claim to the SATOSHISTREETBETS trademark.

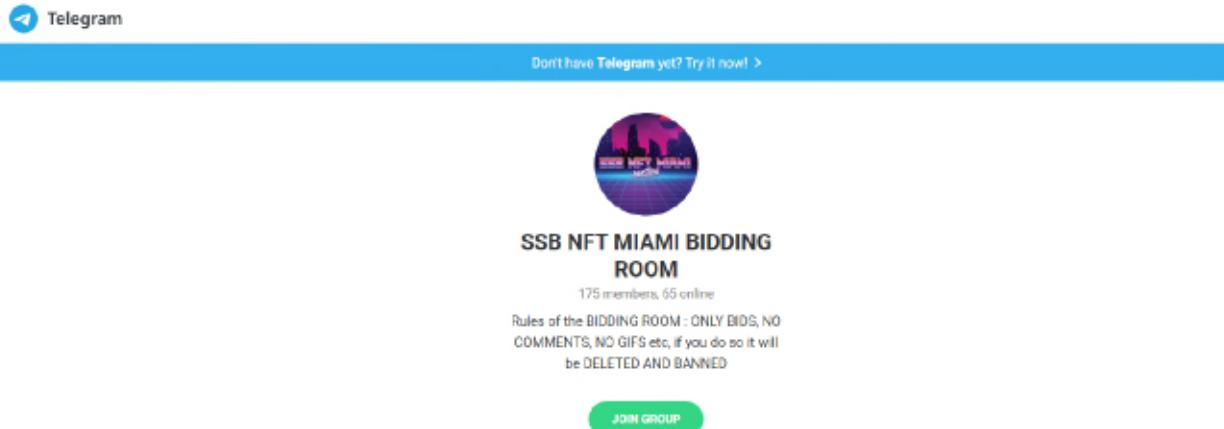
66. On information and belief, Defendant Starling hosted a live “Satoshi Street Bets”-branded NFT auction on November 30, 2021 in Miami, Florida. “Dr. Crypto Vendor” was advertised as a host of the event; photographs taken during the event show Defendant Starling in attendance. The event clearly made reference to the SATOSHISTREETBETS trademark, including in a Telegram group named “SSB NFT MIAMI BIDDING ROOM” that Defendants created to enable participants to bid online:

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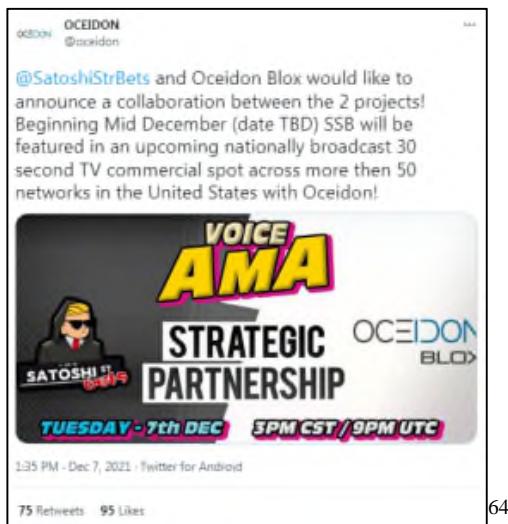
<sup>61</sup> See NFTb, *supra* note 9.

<sup>62</sup> See Bitcoinist, *supra* note 12 (reporting that Defendants are launching \$SSB on two new exchanges and have established and/or plan to establish Satoshi Stake, The Streets marketplace, a SATOSHISTREETBETS satellite radio show and a Shark-Tank inspired “Satoshi Tank”).

<sup>63</sup> NFTb, *supra* note 9.



67. Defendants Bongers, Starling, and, on information and belief, John Doe 1 recently announced their intention to further spread consumer confusion by promoting their unauthorized forums and/or cryptocurrency in the United States through televised advertisements. On December 7, 2021, the @SatoshiStrBets Twitter account retweeted a Tweet posted by @Oceidon stating that “Beginning Mid December (date TBD) SSB will be featured in an upcoming nationally broadcast 30 second TV commercial spot across more than [sic] 50 networks in the United States with Oceidon!” A copy of the Tweet is reproduced below:



64

<sup>64</sup> SatoshiStreetBets (@SatoshiStrBets), Twitter (Dec. 7, 2021 1:35 PM), <https://web.archive.org/web/20211207185134/https://twitter.com/oceanon/status/1468287974810992646>.

68. On December 7, 2021, a similar message was posted to the @SatoshiStreetBetsAnnouncements Telegram Channel.<sup>65</sup>

69. On information and belief, Defendant Starling also has contributed to confusion regarding DHC's affiliation with Defendants' unauthorized forums and cryptocurrency by hosting unauthorized SATOSHISTREETBETS Voice Chats, and by fundraising for the unauthorized \$SSB token.

70. On information and belief, Defendant Starling also has used the SATOSHISTREETBETS mark on his personal @DrCryptoVendor social media profiles. DHC's investigation of the infringing conduct has identified significant evidence linking Defendant Starling to the @DrCryptoVendor Twitter and Telegram accounts, and expects to uncover additional such evidence in discovery. Using these accounts, @DrCryptoVendor refers to himself as part of the "SatoshiStreetBets Token Core" and uses images that infringe the SATOSHISTREETBETS mark on his individual Twitter account (<https://twitter.com/drcryptovendor>) and Telegram user account (<https://t.me/DrCryptoVendor>).

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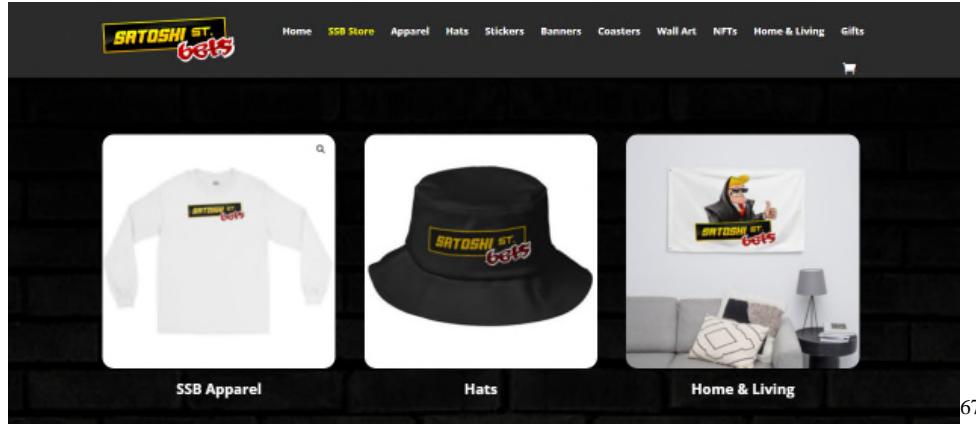
<sup>65</sup> @SatoshiStreetbetsAnnouncements, Telegram (Dec. 7, 1:14 PM), <https://t.me/satoshistreetbetsannouncements/1292>.

@DrCryptoVendor Twitter	@DrCryptoVendor Telegram Account
 <p>Dr. Crypto Vendor @DrCryptoVendor</p> <p>SatoshiStreetBets Token Core, I discovered crypto when I mined my first BTC in 2013! Join my TG group below for giveaways, education, and more!</p> <p>@ USA Joined November 2014</p> <p>31 Following 3,355 Followers</p>	 <p>Dr. Crypto Vendor [SSB Token CEO][WONT DM FIRST]</p> <p>@DrCryptoVendor</p> <p>Twitter - @DrCryptoVendor</p> <p><a href="https://t.me/SSBTokenOfficial">https://t.me/SSBTokenOfficial</a></p>

71. In addition, during the December 15, 2021 AMA, Defendants Starling and John Doe 1 also announced plans to sell “SSB merch”; to go city-by-city and establish “SSB Pods” that will meet with members face-to-face; to establish a sales team that will set up “SSB [b]ooths” at community events like car shows, to sell SSB; to commission paid television advertising of SSB; to partner with local businesses to give SSB holders a discount on the products or services those businesses provide; and to start an SSB non-profit that gives back to the community and “establish[es] the SSB brand.”<sup>66</sup>

72. Following that December 2021 AMA, Defendants created an online “SSB store,” <https://ssb.slapattack.com>, that sells infringing “Satoshi St. Bets”-branded apparel, hats, wall art, and other products. These items incorporate the majority of the SATOSHISTREETBETS trademark, and demonstrate Defendants’ expansion of their infringing activities *after receiving DHC’s cease and desist requests*:

<sup>66</sup> @SSBTokenOfficial, Telegram (Dec. 15, 2021, 10:07 PM), <https://t.me/SSBTokenOfficial/466716>.



DEFENDANTS' INFRINGING USES OF SATOSHISTREETBETS ARE CAUSING  
ACTUAL CONFUSION IN THE MARKETPLACE

73. Defendants' decision to appropriate the entirety of DHC's authentic SATOSHISTREETBETS mark is not just likely to cause consumer confusion – it is already causing actual confusion, including in cases where unwitting consumers have purchased Defendants' unauthorized, infringing \$SSB token believing it to be associated with the authentic SATOSHISTREETBETS brand.

74. In reply to an October 6, 2021, post on the authentic SATOSHISTREETBETS subreddit warning users about Defendants' unauthorized \$SSB token,<sup>68</sup> two different individuals expressed that they had already purchased the infringing token believing it was associated with the authentic SATOSHISTREETBETS brand:

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<sup>67</sup> SSB Store, *supra* note 10.

<sup>68</sup> See u/little-eagle, *If you're being offered to buy a token using our name, it's fake! SatoshiSwap is the only token of SatoshiStreetBets*, Reddit (Oct. 6, 2021 11:16 AM), [https://www.reddit.com/r/SatoshiStreetBets/comments/q2mka2/if\\_youre\\_being\\_offered\\_to\\_buy\\_a\\_token\\_usin\\_g\\_our/](https://www.reddit.com/r/SatoshiStreetBets/comments/q2mka2/if_youre_being_offered_to_buy_a_token_usin_g_our/).

↑ Posted by u/little-eagle Mod 2 months ago 6 6 3 4 0 0 0  
 440 If you're being offered to buy a token using our name, it's fake!  
 ↓ SatoshiSwap is the only token of SatoshiStreetBets  
[twitter.com/SatoshiStBets](https://twitter.com/SatoshiStBets)

 SatoshiStreetBets  
@SatoshiStBets

Scam alert. There is a fake SSB token doing the rounds, that has stolen our name and has nothing to do with the real SatoshiStreetBets. Our upcoming token is called SatoshiSwap and it's not yet for sale ANYWHERE (it's due October). Always verify information on our subreddit!

11:08 AM · Oct 6, 2021

355 Reply Copy link to Tweet

641 Comments Share Save Hide Report 99% Upvoted

Joshua1991 +1 · 1m  
 Damn just sent 1100 to a satoshi private sale, but I've been in that group for months and didn't even know it was fake until now. They sure are running it like a legit group though --  
 ↑ 7 ↓ Share Report Save

fogpusher · 2 mo. ago  
 Damn. Already up about 50% on it over the past 4 days but didn't see this. I'll put half into something else.  
 ↑ 1 ↓ Reply Share Report Save Follow

75. These incidents are not isolated; other followers of the authentic SSB Forums have similarly expressed that they mistakenly purchased \$SSB, believing it to be associated with the authentic SATOSHISTREETBETS community.

76. Another member of DHC's authentic SATOSHISTREETBETS subreddit posted about Defendants' Bongers', Starling's, and John Doe 1's unauthorized \$SSB token on October 29, 2021, reflecting the individual's mistaken belief that the digital asset was associated with DHC's authentic SSB Forums:

↑ Posted by u/Leranort 1 month ago

4 Oh, so we have our own coin... Interesting □

↓ Discussion 0

8:11 AM 4G

Search

SatoshiStreetBets Token (SSB)  
PRIMARY LISTING

Trade SSB on BitMart

11/1 08:00 AM EDT TRADING AVAILABLE

BitMart Lists Doge Killer (LEASH)

BTC/USDT <b>60930.82</b> -0.30%	ETH/USDT <b>4311.91</b> +3.45%	BMX/USDT <b>0.3697</b> +0.38%
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Buy & Sell Crypto

Buy & Sell on the world's leading exchange

Referral Earn Chat Spot Deposit

Top Coins Gainers

Home Markets Trade Assets

3 Comments Share Save Hide Report 70% Upvoted 69

77. DHC also has needed to remove posts from users who were mistakenly promoting Defendants Bongers', Starling's, and John Doe 1's infringing \$SSB token as being associated with the authentic SSB Forums, such as those reproduced below:

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<sup>69</sup> See u/Leranort, *Oh, so we have our own coin... Interesting*, Reddit (Oct. 29, 2021 9:14 AM), [https://www.reddit.com/r/SatoshiStreetBets/comments/qickas/oh\\_so\\_we\\_have\\_our\\_own\\_coin\\_interesting/](https://www.reddit.com/r/SatoshiStreetBets/comments/qickas/oh_so_we_have_our_own_coin_interesting/).



Gullible\_Assistant16 +1 · 2 mo. ago Removal reason

Well you got the SSB token out , might try it out and see.

Blocked by AutoMod: ssb token body

1 Reply Share



RequirementElegant60 · 2 mo. ago Removal reason

I think it's fantastic. Safemoon got a major push from SSB when starting out and now they are joining SSB token.

Blocked by AutoMod: ssb token body

1 Reply Share

78. Likewise, on Twitter, users have expressed confusion about the relationship between DHC's planned SatoshiSwap cryptocurrency and Defendants Bongers', Starling's, and John Doe 1's unauthorized \$SSB token. For example, some users sent messages to the authentic @SatoshiStBets Twitter account after the announcement of the SatoshiSwap presale, expressing confusion about the fact that the \$SSB token was available for purchase:

[CONTINUED ON NEXT PAGE]

← Tweet

SatoshiStreetBets @SatoshiStBets · Oct 31

A MASSIVE thank you to each person who's expressed an interest in SatoshiSwap! The website is looking stunning and we promise you'll see what's been keeping us so busy very soon 😊  
Follow our socials to claim your presale slot:  
[t.me/SatoshiSwapAnn...](https://t.me/SatoshiSwapAnn...)  
[@SatoshiSwapHQ](https://twitter.com/SatoshiSwapHQ)

172 110 520

Justin Wood @MentorCapital

Replying to @SatoshiStBets and @SatoshiSwapHQ

Why am I able to purchase SSB (Satoshi Street Bets) on bitmart exchange?

5:19 PM · Nov 8, 2021 · Twitter for iPhone

70

← Tweet

AlphaApe18 @AlphaApe18

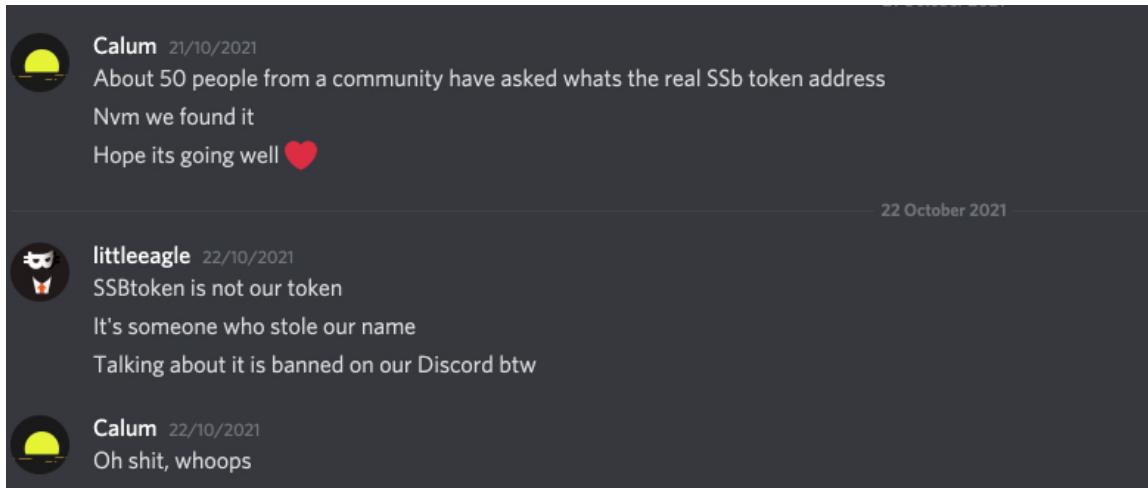
@SatoshiStBets Why do I see SSB listed on PooCoin showing a price and buys and sells already? What happened to the presale? Thought no one could get it yet. What am I missing?

7:31 PM · Oct 29, 2021 · Twitter Web App

71

<sup>70</sup> @MentorCapitalI, Twitter (Nov. 8, 2021), <https://twitter.com/MentorCapitalI/status/1457835083835002889>.

79. On Discord, DHC has received messages from confused users, such as this exchange asking DHC for the Defendants Bongers', Starling's, and John Doe 1's "token address," assuming that Defendants Bongers', Starling's, and John Doe 1's token is associated with DHC's authorized SSB Forums:



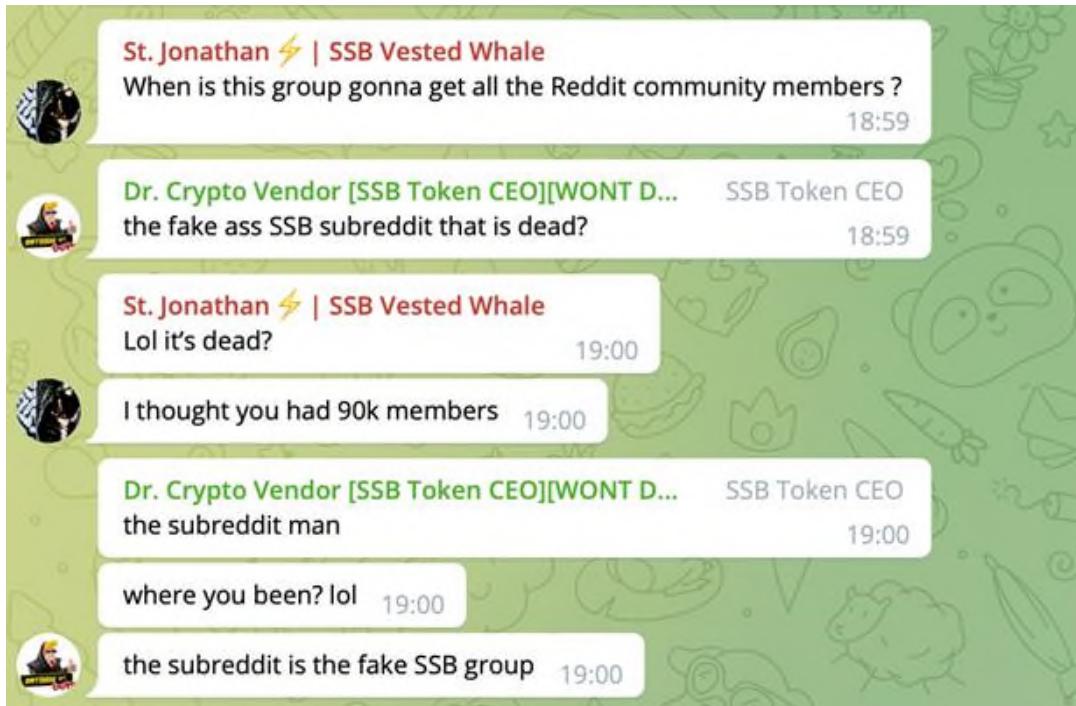
80. A video posted to YouTube on October 21, 2021 by user "Cryptopedia," whose cryptocurrency YouTube account has 34,500 subscribers, further demonstrates actual consumer confusion regarding Defendants Bongers', Starling's, and John Doe 1's infringing \$SSB token. In reporting on his purchase of \$SSB, Cryptopedia explained in his video and in the caption: "What started as a tight community in a Subreddit quickly expanded to other social media platforms, transforming into something more than a community of crypto-centric memes. Now, SatoshiStreetBets has its own cryptocurrency platform in the form of SSB."<sup>72</sup> As of February 8, 2022 this video had 7,003 views.

81. On information and belief, Defendant Starling, through his Dr. Crypto Vendor account, has actively contributed to consumer confusion by claiming that DHC's authentic

<sup>71</sup> @AlphaApe18, Twitter (Oct. 29, 2021), <https://twitter.com/AlphaApe18/status/1454229411402817547>.

<sup>72</sup> Cryptopedia, *SatoshiStreetBets - Something We have Never Seen Before!*, YouTube (Oct. 21, 2021), <https://www.youtube.com/watch?v=nqt65NC1Xkg>.

SATOSHISTREETBETS subreddit is “fake” and that his infringing, unauthorized community is in fact the real one. These claims are both inaccurate and highly damaging to DHC’s authentic community:



82. Defendants Bongers, Starling, and, on information and belief, John Doe 1 also have created actual or likely consumer confusion by misleadingly and inaccurately promoting their infringing community as “the original” SATOSHISTREETBETS. For example, on December 14, 2021, the unauthorized @SatoshiStrBets Twitter account tweeted the following image, with the hashtags “#SSBArmy \$SSB #SatoshiStreetBets SSBOfficial.com”:



73

83. On December 13, 2021, the unauthorized @SatoshiStrBets Twitter account retweeted the following:

The image shows a tweet from the account @SatoshiStreetBets. The tweet contains a graphic with the text "THE ORIGINAL SATO SHI ST. b3ts" and "www.ssbtoken.com". The graphic has a dark background and a yellow border. The tweet has 1 Retweet, 4 Likes, and 18 Favorites.

74

<sup>73</sup> SatoshiStreetBets (@SatoshiStrBets), Twitter (Dec. 14, 2021 10:54 PM), <https://twitter.com/SatoshiStrBets/status/1470965500616314883/photo/1>.

<sup>74</sup> SatoshiStreetBets (@SatoshiStrBets), Twitter (Dec. 13, 2021), <https://twitter.com/Xyroak/status/1470422152738484233>.

84. The unauthorized SatoshiStreetBets Telegram account also contains numerous posts from users asking about SatoshiSwap, DHC's authorized cryptocurrency. These posts make it clear that members of this infringing Telegram channel are confused about the channel's relationship to DHC's authentic SATOSHISTREETBETS forums, as indicated by the below screenshot showing the search results in Defendants' unauthorized @SatoshiStreetBetsTelegram channel for DHC's authentic SatoshiSwap product:

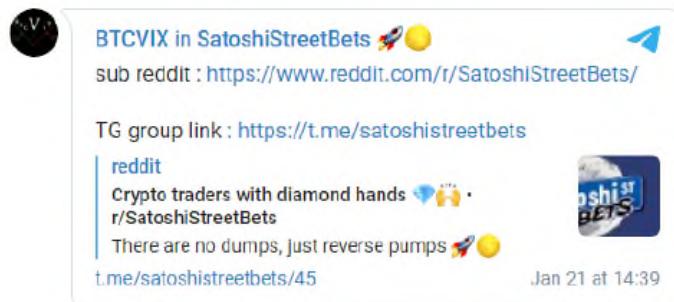
User	Message Content	Date
Pnt Pnt	Is it related to satoshiswap token?	Mon
Tambone	This is the first and original, head back to SatoshiSwap you want a TG full of spam	21/12/2021
IM	When is the satoshiswap coming?	15/12/2021
Jonas Misiuk	Is there any mod in here? I am super confused about SSB token claiming to be affiliated to this group and the SatoshiSwap also claiming t...	02/12/2021
Hendrik	Sorry but why will the SatoshiSwap presale be held on eth chain? This is just so dumb	30/10/2021
Eendbaas	is satoshiswap already out?	29/10/2021
Jonathan Arauz	Scam alert. There is a fake SSB token doing the rounds, that has stolen our name and has nothing to do with the real SatoshiStreetBets. O...	26/10/2021
Daddy Whale	I feel like SSB need to do a talking head video explaining it all rather than cheap shots at each other. I'm holding SSB but it would help a lot...	25/10/2021
Daddy Whale	SSB will crash if SatoshiSwap goes live and there is confusion.	24/10/2021
Daddy Whale	SSB was planning SatoshiSwap for months, it wa getting released today, yet suddenly SSB comes out 2 days before with admis on both sid...	24/10/2021
Daddy Whale	What is SatoshiSwap going live?	24/10/2021
Michael	Or is that satoshiswap	24/10/2021
Daddy Whale	Yeah this is the fake token 😂 it's a rip off that used SatoshiSwaps launch window. Loads of buyers are going to be upset when they find o...	24/10/2021

85. This includes users that believed Defendant Bongers', Starling's, and John Doe 1's unauthorized \$SSB cryptocurrency was *the same* as DHC's authentic SatoshiSwap token:



75

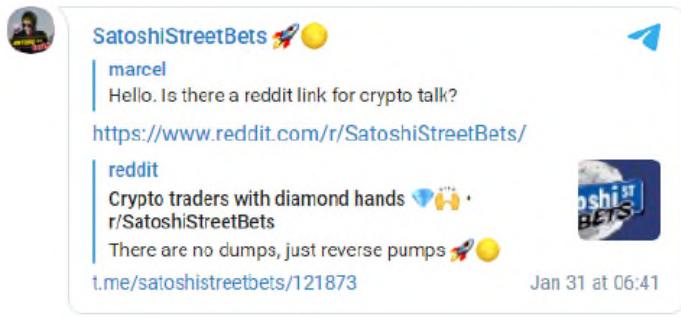
86. Defendants have also brazenly attempted to siphon the goodwill DHC has built in the SATOSHISTREETBETS brand by directly adopting DHC's own authorized uses. Defendants have directly connected their unauthorized Telegram account to DHC's authentic SATOSHISTREETBETS subreddit by linking the authentic subreddit and the infringing Telegram channel side by side, in a message "pinned" to the top of the Telegram account so that it would be easily visible:



76

<sup>75</sup> @SatoshiStreetBets, Telegram (Sept. 24, 2021), <https://t.me/satoshistreetbets/1869553>.

<sup>76</sup> @BTCVIX, Telegram (Jan. 21, 2021, 14:39 PM), <https://t.me/SatoshiStreetBets/45>.



77

87. Defendants Bongers, Starling, and John Doe 1 also have started a Telegram channel, @SatoshiSwap (<https://t.me/SatoshiSwap>), using the name of DHC's announced cryptocurrency project. In an unambiguous demonstration of Defendants Bongers', Starling's, and John Doe 1's bad faith infringement and desire to sow consumer confusion, they have used this unauthorized @SatoshiSwap channel to direct visitors to their main infringing Telegram channel (@SatoshiStreetBets) and to promote their infringing cryptocurrency, \$SSB.<sup>78</sup>

88. The effect of Defendants' deceptive conduct on DHC's authentic SATOSHISTREETBETS brand has been tangible. On information and belief, Defendants' unauthorized @SatoshiStreetBets Telegram channel gained tens of thousands of members in January and February 2021, as DHC's SSB Forums were receiving significant media coverage, likely due to the confusion created by Defendants' copycat use of DHC's SATOSHISTREETBETS trademark.

89. The potential harm to DHC and the SATOSHISTREETBETS brand increases each day. As reflected in the examples of consumer confusion, several consumers inadvertently purchased \$SSB believing it was associated with the authentic SATOSHISTREETBETS community. Defendants' planned escalations of their infringing uses detailed above demonstrate

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<sup>77</sup> @SatoshiStreetBets, Telegram (Jan. 31, 2021, 6:41 AM), <https://t.me/SatoshiStreetBets/121873>.

<sup>78</sup> @SatoshiSwap, Telegram (Oct. 18, 2021 3:57 AM), <https://t.me/SatoshiSwap/4>.

that DHC will suffer even more significant harms if Defendants' actions are not immediately enjoined.

90. Comments on Defendant Kazlow's podcast reflect the harm that Defendants have already caused to DHC's brand. For example, on a December 20, 2021 episode of Kazlow's podcast, entitled "Pass the Nog! Santa Apes Are Comin' to Town: Satoshi Street Bets LIVE Episode 30," one user commented, "Ssb is garbage and now all of you are all running in different directions with your heads cut off. Fkn punks just stealing from us."<sup>79</sup>

91. In addition, on information and belief, Defendants have profited from their infringement by promoting at least one product that ultimately turned out to be a scam. Consumers who were harmed by this scam were confused into believing there was an association between the scam and DHC's authentic SATOSHISTREETBETS mark, harming the goodwill DHC has worked to build in the SATOSHISTREETBETS mark. Unless enjoined, Defendants may continue to create these false associations in the future, causing continuing harm to DHC's SATOSHISTREETBETS brand. On information and belief, and as Plaintiff expects to establish through discovery, some of these harmed consumers reside in New York.

92. The authentic SATOSHISTREETBETS brand is associated with the SSB Forums and its dedicated community of consumers that rely on each other for discussions about cryptocurrency. Defendants' attempts to associate the SATOSHISTREETBETS brand with their unauthorized forums and digital assets has caused, is causing, and will continue to cause, confusion about the relationship between the Defendants' infringing products and services and the authentic products and services DHC offers under the SATOSHISTREETBETS brand.

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<sup>79</sup> Satoshi Street Bets, *Pass the Nog! Santa Apes Are Comin' to Town: Satoshi Street Bets LIVE Episode 30*, YouTube (Dec. 20, 2021), <https://www.youtube.com/watch?v=KPvoduFKAjM> (comment by "Brozek Bistro").

93. DHC, through counsel, notified Defendant Bongers of his infringement of the SATOSHISTREETBETS trademark by email and Federal Express on November 22, 2021, and provided a substantially identical notice to Defendant Starling by email and Federal Express on November 23, 2021, in an attempt to avoid the costs and burden of litigation on all parties. To date, Defendant Bongers has not responded to DHC's notifications, and has failed to cease his infringing conduct. Defendant Starling, who responded with a one-sentence email expressing confusion about the allegations but failed to respond after DHC, through counsel, provided extensive evidence linking Defendant Starling to the infringing activity, has also failed to cease his infringing conduct. DHC has no other adequate remedy to protect its trademark rights.

94. On January 22, 2022, counsel for DHC formally notified Defendant Kazlow of his infringement of the SATOSHISTREETBETS trademark by email. Despite DHC's communications, Defendant Kazlow has failed to cease his infringing conduct. DHC has no other adequate remedy to protect its trademark rights.

95. Absent an injunction from this Court ordering the Defendants to cease their infringing conduct, stop operating their infringing forums, and discontinue their infringing digital assets, DHC will be unable to protect the goodwill and reputation of the SATOSHISTREETBETS brand for the products and services DHC already offers and plans to offer in the future.

**COUNT ONE**

**False Designation of Origin  
Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)(1)**

96. DHC repeats and realleges each of the allegations above as if fully set forth herein.

97. DHC owns all right, title, and interest in and to the SATOSHISTREETBETS trademark, including all common law rights in such trademark.

98. The unauthorized use by Defendants of the SATOSHISTREETBETS trademark is likely to cause confusion, mistake or deception as to the affiliation or connection of Defendants' SATOHISTREETBETS-branded goods and services (including but not limited to Defendants' digital assets and forums) with DHC and the SATOSHISTREETBETS trademark, and/or as to the origin, sponsorship or approval of Defendants' goods and services by DHC, constituting false designation of origin in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A).

99. Defendants' wrongful acts will continue unless and until they are enjoined, as authorized by 15 U.S.C. § 1116.

100. Defendants' acts have caused, and will continue to cause, irreparable injury to DHC unless and until they are enjoined.

101. Defendants' acts have unjustly enriched Defendants, and have allowed Defendants to enjoy ill-gotten profits from the sale of its infringing digital assets.

102. DHC has been damaged in an amount to be determined.

**COUNT TWO**

**False Advertising  
Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)(1)**

103. DHC repeats and realleges each of the allegations above as if fully set forth herein.

104. By using the SATOSHISTREETBETS mark in connection with the commercial advertising or promotion of their goods and services (including, but not limited to, digital assets and forums) and by promoting their services as "the only" or "original"

SATOSHISTREETBETS, Defendants Bongers, Starling, and John Doe 1 have made and are making false and misleading statements about the nature, characteristics and/or qualities of their SATOHISTREETBETS-branded goods and services, constituting false advertising in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B).

105. Consumers are likely to be deceived by Defendants Bongers', Starling's, and John Doe 1's false statements.

106. Defendants Bongers', Starling's, and John Doe 1's wrongful acts will continue unless and until they are enjoined, as authorized by 15 U.S.C. § 1116.

107. Defendants Bongers', Starling's, and John Doe 1's acts have caused, and will continue to cause, irreparable injury to DHC unless and until they are enjoined.

108. Defendants Bongers', Starling's, and John Doe 1's acts have unjustly enriched Defendants, and have allowed Defendants to enjoy ill-gotten profits from the sale of its infringing digital assets.

109. DHC has been damaged in an amount to be determined.

**COUNT THREE**

**Trademark Cyberpiracy  
Section 43(d) of the Lanham Act, 15 U.S.C. § 1125(d)**

110. DHC repeats and realleges the allegations above as if fully set forth herein.

111. The <ssbtoken.com> and <ssbvip.com> domain names are confusingly similar to, and infringe upon, DHC's SATOSHISTREETBETS trademark, which was distinctive at the time the domain names were registered.

112. The registration and use of the <ssbtoken.com> and <ssbvip.com> domain names are likely to cause consumers to mistakenly believe that the domain names are sponsored or approved of by DHC or that the domain names are otherwise affiliated with or have obtained

permission from DHC. Additionally, the registration of multiple domain names which are confusingly similar to DHC's SATOSHISTREETBETS mark demonstrates Defendants Bongers, Starling, and John Doe 1's intent to cause confusion among consumers by registering the domain names. Therefore, the registration and use of the <ssbtoken.com> and <ssbvip.com> domain names was in bad faith.

113. By engaging in the activities described above, Defendants Bongers, Starling, and John Doe 1 have engaged in cyberpiracy in violation of 15 U.S.C. § 1125(d).

114. The acts of cyberpiracy in connection with the <ssbtoken.com> and <ssbvip.com> domain names have caused and are causing irreparable injury to the goodwill and reputation of DHC and, unless restrained, will cause further irreparable injury. 15 U.S.C. § 1125(d)(2)(A).

115. By reason of the foregoing, DHC is entitled to the transfer of the <ssbtoken.com> and <ssbvip.com> domain names and such other and further relief this Court deems just and proper. *See* 15 U.S.C. § 1125(d)(2)(D)(i) & (d)(3).

#### **COUNT FOUR**

##### **Trademark Infringement under Common Law**

116. DHC repeats and realleges each of the allegations above as if fully set forth herein.

117. DHC owns all right, title, and interest in and to the SATOSHISTREETBETS trademark, including all common law rights in such trademark.

118. The SATOHISTREETBETS-branded goods and services (including, but not limited to, digital assets and forums) offered by Defendants are unauthorized uses of Plaintiff's common law trademarks. Such unauthorized uses by Defendants constitute trademark infringement, and are likely to cause confusion, mistake or deception as to the affiliation or

connection of Defendants with DHC and/or as to the sponsorship or approval of Defendants' goods and services by DHC.

119. Upon information and belief, Defendants committed the above alleged acts willfully, in bad faith, and in conscious disregard of DHCs' rights, and DHC is therefore entitled to exemplary and punitive damages pursuant to the common law of the State of New York.

120. Defendants' wrongful acts will continue unless and until they are enjoined.

121. Defendants' acts have caused, and will continue to cause, irreparable injury to DHC unless and until they are enjoined.

122. Defendants' acts have unjustly enriched Defendants, and have allowed Defendants to enjoy ill-gotten profits from the sale of their infringing products.

123. DHC has been damaged in an amount to be determined.

#### **COUNT FIVE**

##### **Unfair Competition under New York Common Law**

124. DHC repeats and realleges each of the allegations above as if fully set forth herein.

125. Defendants have used DHC's SATOSHISTREETBETS trademark to promote their SATOHISTREETBETS-branded products and services (including, but not limited to, digital assets and forums), causing a likelihood of confusion, and Defendants have done so in bad faith by continuing to use DHC's trademark with knowledge of DHC's prior rights in the SATOSHISTREETBETS mark and after receiving DHC's cease-and-desist letters.

126. Defendants' acts, as described above, constitute unfair competition under New York State common law, as preserved by N.Y. Gen. Bus. Law § 360-o.

127. Defendants' wrongful acts will continue unless and until they are enjoined.

128. Defendants' acts have caused, and will continue to cause, irreparable injury to DHC unless and until they are enjoined.

129. Defendants' acts have unjustly enriched Defendants, and have allowed Defendants to enjoy ill-gotten profits from the sale of its infringing digital assets.

130. DHC has been damaged in an amount to be determined.

**COUNT SIX**

**Deceptive Acts and Practices under Section 349 of New York's General Business Law**

131. DHC repeats and realleges each of the allegations above as if fully set forth herein.

132. Defendants have caused, and continue to cause, irreparable injury to DHC by providing their SATOHISTREETBETS-branded goods and services (including, but not limited to, digital assets and forums) to consumers, including consumers in New York, and misleading those consumers about Defendants' connection to DHC and its community.

133. Defendants' acts, as described above, constitute deceptive acts and practices in violation of N.Y. Gen. Bus. Law § 349.

134. Defendants' wrongful acts will continue unless and until they are enjoined.

135. Defendants' acts have caused, and will continue to cause, irreparable injury to DHC unless and until they are enjoined.

136. Defendants' acts have unjustly enriched Defendants, and have allowed Defendants to enjoy ill-gotten profits from the sale of its infringing digital assets.

137. DHC has been damaged in an amount to be determined.

**COUNT SEVEN**

**Dilution under Section 360-1 of New York's General Business Law**

138. DHC repeats and realleges each of the allegations above as if fully set forth herein.

139. DHC owns all right, title, and interest in and to the SATOSHISTREETBETS Mark, including all common law rights in such trademarks and trade dress.

140. Through prominent and continuous use in commerce, including commerce within New York, the SATOSHISTREETBETS Mark has become extremely distinctive.

141. Defendants' offering of the unauthorized forums and digital assets dilute, or are likely to dilute, the distinctive quality of the SATOSHISTREETBETS trademark, and thus lessens the capacity of these trademarks to distinguish DHC's goods and services. Defendants' unauthorized provision of SATOHISTREETBETS-branded goods and services (including, but not limited to, digital assets and forums) tarnishes DHC's SATOSHISTREETBETS mark, and causes blurring in the minds of consumers as between the genuine products and services offered by DHC and Defendants' unauthorized goods and services, thereby lessening the capacity of the SATOSHISTREETBETS trademark to serve as a unique identifier of DHC's products.

142. By the acts described above, Defendants have actually diluted, or are likely to dilute, the distinctiveness of the SATOSHISTREETBETS trademark, and has caused a likelihood of harm to DHC's business reputation in violation of Section 360-1 of the New York General Business Law.

143. Defendants' wrongful acts will continue unless and until they are enjoined.

144. Defendants' acts have caused, and will continue to cause, irreparable injury to DHC unless and until they are enjoined.

145. Defendants' acts have unjustly enriched Defendants, and have allowed Defendants to enjoy ill-gotten profits from the sale of its infringing digital assets.

146. DHC has been damaged in an amount to be determined.

**PRAYER FOR RELIEF**

Plaintiff DHC respectfully requests:

- A. Judgment that Defendants have violated Sections 43(a) and 43(d) of the Lanham Act, 15 U.S.C. § 1125(a)(1) & (d);
- B. Judgment that Defendants have infringed DHC's trademarks under the common law of the State of New York;
- C. Judgment that Defendants have engaged in unfair competition under the common law of the State of New York;
- D. Judgment that Defendants have engaged in deceptive acts and practices under Section 349 of New York's General Business Law;
- E. Judgment that Defendants have engaged in dilution under Section 360-1 of New York's General Business Law;
- F. An injunction enjoining and restraining Defendants and all those acting in concert or participation with Defendants from continuing to operate their infringing forums and from continuing to offer their infringing digital assets;
- G. An order requiring Defendants to turn over control of any and all social media accounts and/or domain names that have infringed DHC's trademarks;
- H. An award of Defendants' profits;
- I. An award of DHC's actual money damages, trebled;
- J. An award of such other and further punitive damages to the fullest extent permitted by law;

K. An award of DHC's costs of litigation and attorneys' fees to the full extent provided for by Section 43 of the Lanham Act, 15 U.S.C. § 1125;

L. Such other and further relief as the Court deems just and proper.

Dated: February 11, 2022  
New York, New York

DEBEVOISE & PLIMPTON LLP

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*Attorneys for Plaintiff Diamond Hands Consulting  
Limited*

## VERIFICATION

I, David Gilbert, declare as follows:

1. I am the owner of Diamond Hands Consulting Ltd. (“DHC”), the Plaintiff in this case, and a citizen of the United Kingdom of Great Britain and Northern Ireland.
2. I have personal knowledge of myself and my activities, as well as those of DHC, including those set out in the foregoing First Amended Verified Complaint, and if called on to testify I would competently testify as to the matters stated herein.
3. I have personal knowledge of the activities of Defendants Kyle R. Bongers (who I believe uses the aliases “BTCVIX” and “DarthVIX”); Hurley Blake Starling (who I believe uses the alias “Dr. Crypto Vendor”); Noah Kazlow (who I believe uses the aliases “Nikolai White” and “Niko”); and John Doe 1 (who I believe uses the alias “RB”) (collectively, “Defendants”), including those set out in the foregoing First Amended Verified Complaint, and if called on to testify I would competently testify as to the matters stated herein.
4. I verify under penalty of perjury under the laws of the United States of America that the factual statements concerning the activities and intentions of myself and DHC are true and correct, as are the factual statements concerning the activities and intentions of Defendants.

Executed this 11th day of February, 2022.

  
\_\_\_\_\_  
David Gilbert